

196.

A

S K E T C H

OF THE

CASE AND SUFFERINGS

OF

11

Mr. ROBERT KIRKE,

HIS MAJESTY'S LATE

CONSUL AT ALGIERS.



Magna est Veritas et Prevalebit.



L O N D O N:

M.DCC.LXXXI.

W. Musgrave.



MR. KIRKE flatters himself he shall stand excused for printing this *Sketch of his Case*, his Misfortunes having deprived him of the Power of keeping a Clerk, or paying for the transcribing Copies, which has induced him reluctantly to take this Method, not by way of diffusing them more widely, but of procuring the few he means to present to some select and worthy Characters at the least Expence possible. To those he chearfully appeals, not only with due Deference, but also with the Confidence naturally arising from the *Mens conscia recti*; and from their Candour and Goodness he draws the pleasing Hope (notwithstanding the Weight of his Oppressions has nearly overwhelmed him) that he may yet live to meet with JUSTICE; without which, his last melancholy Resource must be to present to all he meets, a Hand worn out in his Country's Service, and, like the Emperor JUSTINIAN's General, cry,

DATE OBOLUM BELISARIO.

THE
MUSEUM
OF
ART
AND
ARCHAEOLOGY

A SKETCH OF THE CASE



The first part of the sketch is a description of the case. It is a rectangular box, made of wood, and is painted a light color. It has a lid that fits snugly over the top. The lid is decorated with a simple design of a crown and a cross. The case is designed to hold a collection of small objects, such as coins, medals, and jewelry. It is a very practical and elegant design, and it is well suited to the purpose for which it was intended.



A

SKETCH of the CASE, &c.

MR. ROBERT KIRKE, late Consul at Algiers, having suffered more than language can well express, and being driven to the greatest necessity with a large family, ruined by the most unheard of and shocking cruelties and misrepresentations, deprived of the constitutional right of an Englishman, namely a proper hearing in his own defence for upwards of 13 years, though he has made every effort in his power during that time to obtain it* ; notwithstanding he was not only
or-

* That Mr. Kirke has not been treated with the Candour and Lenity usually shewn to the Servants of the Crown, in Cases of Complaint made against them, is evident, from the close of the following letter from the Secretary of State's Office, viz.

Copy of Letter from Robert Wood, Esq; Deputy Secretary of State under Lord Weymouth, to Mr. Welford.

SIR,

St. James's, January , 1769.

I am directed by Lord Weymouth to acquaint you, that having laid before the King your petition to his Lordship, containing various complaints against Consul Trail, together with your letter of the 21st past to me on the same subject, his Majesty has ordered strict inquiry to be made into the truth of the allegations of the petition, and of the letter, and that according to the result of such inquiry, his Majesty will give such further orders as shall appear necessary, in order to facilitate the means of JUSTICE to both parties ;
and

6 SKETCH OF THE CASE, &c.

ordered home from Algiers for that very purpose, but also directed, as will appear by his Grace the Duke of Richmond's letter of the 28th May, 1766 †, to collect such papers or proofs he might have to produce or alledge in his justification; under that great anxiety and uneasiness of mind incident to such a situation, he wrote the following letter to William Egerton, Esq;

DEAR SIR,

WERE I to give you a just idea of the hardship and cruelty of my sufferings, it would be necessary to relate the history of my long and faithful service from the time of entering into the Royal Navy in 1745, to my unjust and fatal dismissal from the office of Agent and Consul General at Algiers; but this would be giving you the trouble of reading a long and disagreeable narrative; I shall therefore confine myself to those facts which gave rise to that catastrophe, so ruinous to myself and family, and refer to the inclosed memorial ‡.

In the year 1764, I was very happily and comfortably settled in a little retreat at Bushy, having, during a service of nineteen years, with great care and industry, saved as much as brought me an annual income of upwards of four hundred pounds; I was, besides, Purser of the Neptune, a ninety gun ship then in ordinary at Portsmouth, which, together with a little business I transacted, made me a clear income of about seven hundred per annum. When the late Earl of Halifax, in whose neighbourhood I lived, and with whom I had the honour to be very intimate, politely made me the offer of the Consulship of Algiers, saying, He had long wished to serve me, and set the good little woman (mean-

and that the accuser may have an opportunity of making good his charge, and the accused an opportunity of making his defence, Lord Weymouth also directs me to acquaint you, that, as on the one hand the King will not allow his commission to protect any man against the laws, so on the other hand HIS MAJESTY WILL NOT CONDEMN ANY MAN TILL HE IS HEARD.

I am, SIR, your most obedient humble servant,

ROBERT WOOD.

P. S. I informed Lord Weymouth, that you wished his Lordship's letter to Consul Trail might not be sent till I heard again from you, and his Lordship has permitted that matter to be suspended for one post.

Mr. Welford.

† See said Letter, Appendix (N) page 51.

‡ See the Memorial, (Sketch of Case, page 11.)

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ing my wife) down happy. I replied, I was much obliged to his Lordship; but confiding in his experienced freindship, and the familiarity he had always indulged me with, ventured to make some objections I had to the place; which he answered with his usual good nature, and added that I ought to consider it was six hundred a year, paid by the Treasury. He further said, the Ministers could never get any certain or satisfactory account of the Barbary States, which were eternally teasing this country; and as he knew me to be a man he could confide in, wished me to go: and that his Lordship only intended the appointment as a foundation for my future advancement. I begged a few days to consider of it; he replied, let me know as soon as you can, for Ministers are strangely teased when a vacancy happens, till they can say it is filled up. I bowed, and promised expedition; and the next morning went to town, and consulted my friend William Sharpe, Esq; first Clerk of the Privy Council, by whose advice I returned to his Lordship, and told him, I should be happy to receive his Majesty's commands when prepared; and immediately, on my name's being announced in the Gazette as Consul to Algiers, another person was appointed Purser of the Neptune in my stead. I then equip'd myself and family for that expedition, at an expence of near three thousand pounds, looking upon it I was fixed for life, promotion only excepted, and sometime afterwards set out, giving up my business, &c.

On my arrival at Algiers, I found the two Houses generally occupied by the British Consuls in great disorder, and very much out of repair, the person I succeeded being a single gentleman; it therefore became necessary to employ a number of Workmen, at a considerable expence, to make them habitable; five days after the finishing of which I was ordered home, to answer in person an imaginary complaint of Thomas Harrison, Esq; then Commander of the Squadron in the Mediterranean, who had mistaken the treaty with the Barbary States, by not only endeavouring to fill the Centurion, one of the King's Ships (on board of which his broad pendant was flying) with *Corn* and *Barley*, but also insisting on the English having liberty to *export* the same from the Port of Algiers, from which, all the mischief that afterwards ensued arose, being a thing *contrary* in the first place to the Commodore's *instructions*, and what is still clearer to the *express law of the Algerines*, and which the Dey had not power to *grant* even to his *own subjects*, as they take an

oath

oath on their appointment *not to permit it*; but the Commodore weakly imagining it was in my power, as English Consul, to obtain a completion of what his people had been illicitly employed about for near three days, *mistaking*, as I said before, our *treaty* with that *State*, particularly the *tenth Article*, as I could no more have obtained the Commodore's demands (had I been made acquainted with them) than the French Ambassador could the exportation of wool from hence, or our ships import tobacco unnoticed into Spain. Notwithstanding which the Commodore was cruel enough to write a wicked and fallacious letter of complaint against me, not only to the then Secretary of State and Lords of the Admiralty, but also to the late Duke of York. The consequence was, his Highness privately applied to Lord Egmont, first Lord of the Admiralty, who influenced the board; and they, as a board, applied to the Duke of Richmond, Secretary of State for my *total Dismissal*. The Duke candidly replied, that though he did not know Mr. Kirke, or any of his connections, he could not think of doing so unjust a thing, as to dismiss any man *unheard*, but as the board of Admiralty made a point of it, he would order me home to answer the complaint, which he did, and sent out a Mr. Sampson to officiate in my absence.

My Friend, Mr. Sharpe, repeatedly urged his many years knowledge of me, and that he was certain I could not be guilty of the charges set forth by Commodore Harrison, and wished I might (as is usual) have a copy of the complaint to answer before I was ordered home. To which his Grace replied, he could do no less than send for me, as the Admiralty had officially demanded my *total Dismissal*; nevertheless, if I was able to answer the complaint, his Grace would move the King to send me back with honour to my employment, and pay my expences amply.

I received his Grace's letter, and obeyed the contents, leaving great part of my household furniture and other effects behind me, for which I have not as yet had any satisfaction. And whilst I was performing quarantine in Gibraltar Bay, I wrote a letter to Lord Shelburne, who succeeded the Duke of Richmond as Secretary of State, declaring my innocence; notwithstanding which, I and my family were obliged to perform a second quarantine in Stangate Creek, whilst Mr. Frazer, who had been appointed *Consul* in my stead, set out for Algiers. After all this was done, and I had fully and satisfactorily justified my conduct, Lord Shelburne (as you were so kind to tell me) accosted you at the Masquerade made

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made for the King of Denmark at the Opera House, saying " he gave
" you joy of your brother's *having cleared himself to his intire satisfac-*
" *tion*, and that his Lordship should take an early opportunity of *pro-*
" *viding for him.*" But Lord Weymouth succeeding his Lordship a
few weeks afterwards, I have remained in an embarrassed situation
ever since; and am now worn out by age and disappointment, with a
numerous family, deprived of the common conveniences and necessaries
of life, which must shortly end in our total destruction. The only apo-
logy I can make for being thus troublesome is, the knowledge I have of
your humanity, and a thorough conviction within myself, not only of
your readiness to serve your friends in general, but particularly,

Dear SIR,

Your most unfortunate

and very much distressed humble servant,

ROBERT KIRKE.

William Egerton, Esq; Grosvenor Street.

The consequence of the above letter was an application from Colonel
Egerton to the Lord President Bathurst, who in the course of conversa-
tion, being informed that the matter had, by Lord Shelburne's direc-
tion, been under the inspection of Sir Richard Sutton, very justly ob-
served, that it would be proper to know Sir Richard's sentiments there-
on, Colonel Egerton therefore applied to Sir Richard, who wrote to his
Lordship the following letter,

MY LORD,

COLONEL Egerton having acquainted me, that he had made
application to your Lordship in favour of Mr. Kirke, formerly Consul
at Algiers, and desired me to give him a testimony of what I know con-
cerning his being displaced from that office; I think it justice to him to
mention to your Lordship, that after his coming home I was employed
by Lord Shelburne to examine *particularly* into the complaints made
against him by Commodore Harrison and the Lieut. Governor of Mi-
norca*, and though I could not think him entirely blameless, as there
appeared

* See the Complaints of Commodore Harrison, Appendix (O) page 54 to 57, and (P)
page 58 to 63. Also Mr. Kirke's Answers thereto, Appendix (Q) page 63 to 67, and (R)

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appeared to have been faults and a good deal of warmth on both sides †. Lord Shelburne, on the report I made to him, did not think his conduct deserved so heavy a punishment as to be excluded from his Majesty's service, and accordingly, after he was out of office *himself* recommended him to Lord Weymouth, who appointed him to the Consulship of Tetuan, which did not take place, as I understand on account of a difference of opinion about the presents which he thought necessary to be sent out with, to enable him to carry on the King's business in that country †. Whilst at Algiers, from the papers he shewed me, it appeared that he had taken GREAT PAINS in his office, and made himself PERFECTLY ACQUAINTED WITH EVERY THING RELATING TO THAT COUNTRY. Upon the whole I cannot help thinking his case deserving of compassion.

I am, with great truth and respect,

Berner Street,

Your Lordship's

January 28, 1780.

most obedient humble servant,

Right Hon. Lord President.

R. SUTTON.

In consequence of the foregoing letter, his Lordship, in conformity to those sentiments of justice and humanity which so eminently distinguish his great character, caused Mr. Kirke's Memorial to be read in Council, as follows, viz.

68 to 81. Also Lieutenant Governor Johnston's, Appendix (S) page 81; also (T) page 83 to 91; and Mr. Kirke's Answer thereto, Appendix (U) page 91 to 98, with what follows, relative to Alexiano leaving Algiers in a clandestine manner, &c.

† On reading the Complaints of Commodore Harrison and the Lieut. Governor of Minorca, with Mr. Kirke's Answers thereto, Mr. Kirke is much inclined to believe, the FAULTS and WARMTH will only appear on the side of the Complainants, because they could not obtain CARGO's of CORN AND BARLEY, which, being contrary to the fundamental laws of Algiers, no one had a Right to expect, any more than a French Ambassador in London could obtain cargo's of Wool from thence to be exported for the Merchants of his Nation, or the English Commanders, or Merchants run Snuff unnoticed into Spain; and that Mr. Kirke is totally blameless throughout the whole Affair; and had Mr. Kirke remained 20, instead of two years, as Consul at Algiers, he never should have thought it prudent or politic to have laid, either his SOVEREIGN, or himself under ANY OBLIGATION to that State by requesting CORN, BARLEY, or any other Article that was CONTRABAND, in the KING HIS MASTER'S NAME and for the Subsistence of HIS TROOPS, when designed only to ENRICH PRIVATE INDIVIDUALS.

‡ This will appear to be a Misconception by the Remark on Part of Sir Stanier Porten's Report, Sketch of Case, pag. 59 and 61.

TO

SKETCH OF THE CASE, &c. 11

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

THE MEMORIAL OF ROBERT KIRKE

MOST HUMBLY SETS FORTH,

THAT your Memorialist entered into the Royal Navy in the year 1745; and for many years served as Clerk, Purser, Judge Advocate, and Secretary to several Captains and Admirals.

THAT your Memorialist was also Agent for Sick and Hurt Seamen at Louisbourg; and afterwards Agent for Victualling the Squadron at Jamaica, with a salary of 300*l.* per annum, and several Clerks and others under his direction, which trust he faithfully discharged till the victualling there was put under contract.

THAT your Memorialist passed thro' these various employments with the utmost zeal and integrity, and to the satisfaction of the several Boards; and hath the most ample testimonials of his diligence and fidelity in discharging the same, as will appear by the copies of certificates hereto annexed.

THAT your Memorialist, after such his services during nineteen years and upwards, was, in December 1764, without solicitation (and as a reward, as he humbly conceives for his fidelity and integrity in the discharge of his duty) appointed Agent and Consul General for the City and Kingdom of Algiers, *and the Ship he then held given to another in consequence of such his Promotion*†. Soon after which your Memorialist set out for Algiers, at a very great, but necessary expence for his equipment, suitable to the character of his office.

THAT your Memorialist, after his arrival at Algiers, devoted his most strenuous endeavours to cultivate and preserve the utmost harmony and good understanding between this country and Algiers, regarding the interest of Great Britain *particularly recommended* by letter of the 15th November, 1765, from Mr. Secretary Conway*, and which your Memorialist was so fortunate to effect, as will

† See first Item (Sketch of Case) page 16.

* See Appendix (A) pag. 3 and 4.

appear by the annexed Copy of the Testimonial from the Dey and Divan to your Majesty †.

THAT though the conduct of your Memorialist during his residence at Algiers was attended with all possible success, yet Commodore Harrison (being, in 1766, Commander of your Majesty's Squadron in the Mediterranean) thought proper to send to the Board of Admiralty, and afterwards to the Secretary of State, a very unjust and severe Complaint against your Memorialist, arising chiefly, as he believes, from the Commodore's being unacquainted with the laws and customs of Algiers; in consequence whereof your Memorialist was suspended from his office, and ordered immediately home, to answer such complaint; which order he directly obeyed; but on his arrival in England, found himself, to his great misfortune and surprize, divested of his office, and another person appointed in his stead, and that before your Memorialist had received even a Copy of the charge against him.

THAT your Memorialist on the 30th December, 1767, delivered to the Earl of Shelburne, your Majesty's then Secretary of State, a full and explicit answer to the charge against your Memorialist, accompanied with ample testimonials to justify his conduct.

THAT at the time your Memorialist was pressing to bring the merits and hardships of his case before your Majesty in Council, Commodore Harrison died. But your Memorialist flatters himself, that Sir Richard Sutton, late deputy Secretary of State, to whom Lord Shelburne referred the perusal of the Vouchers and other Papers in defence of your Memorialist, did not (on examining into the charge against him and his answers thereto) find any fact or circumstance which appeared against, or in disfavour of your Memorialist. And that the Right Hon. Lord Weymouth, your Majesty's late Secretary of State, was so well satisfied with the conduct of your Memorialist as only to want an opportunity to serve him adequately.

THAT your Memorialist hath not been paid the full salary due to him as Consul at Algiers, nor yet the sum of 347*l*. which he was obliged to expend for your Majesty's service there, and which your Memorialist hath verified on oath.

† See Sketch of Case, pag. 16, 17 and 18.

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THAT your Memorialist was at considerable expences in collecting evidence for his justification in conformity to his Grace the Duke of Richmond's letter of the 28th July, 1766, for that very purpose.

THAT your Memorialist has suffered very much in his fortune by such his hasty removal from Algiers, and is thereby, and by the loss of his former employments on his appointment to that Consulship, after near twenty years faithful service, now, in the eve of life, rendered unable to support himself, his wife, and five children.

YOUR MEMORIALIST therefore humbly prays your Majesty to take his case into consideration, and hopes that the facts herein set forth may be strictly enquired into; and that if your Majesty shall be satisfied they are truly represented, your Majesty will be pleased to order that your Memorialist may be paid the salary so remaining due to him; as also the sum of 347*l.* so disbursed by your Memorialist, together with the expences he was at in collecting the evidence above mentioned; and that your Memorialist may have such further relief, or mark of your Majesty's Royal favour as may appear most reasonable and just.

And your Memorialist shall ever pray.

ROBERT KIRKE.

THE PROMOTIONS, CERTIFICATES, &c. REFERRED TO IN THE FOREGOING MEMORIAL.

1745, September 10th. Mr. Kirke was appointed Judge Advocate by Edward Vernon, Esq; Admiral of the White, and Commander in Chief in the Downs.

October 20th. These are to certify, that Mr. Robert Kirke served as Clerk of his Majesty's Ship Royal George, under my command, from the 23d August, 1745, to the date hereof; during which time he behaved himself with great diligence, sobriety, and obedient to command; and, in my opinion, is fully qualified for preferment. Given under

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der my hand on board the Royal George, in the Downs, this 20th day of October, 1745.

THOMAS HARRISON*.

December 21st. These are to certify the Lords Commissioners for executing the office of Lord High Admiral of Great Britain, &c. that Mr. Robert Kirke served as my Clerk on board his Majesty's Ship Norwich, under my Command, from the 21st October, 1745, to the date hereof; during which time he behaved diligently, soberly, and obedient to command; and in my opinion is fully qualified to serve as Clerk, or Purser on board any of his Majesty's Ships. Given under my hand on board his Majesty's said ship, the 21st December 1745, in the Downs.

ELL. SMITH†.

1745-6, February 10th. These are to certify the Right Hon. the Lords Commissioners for executing the office of Lord High Admiral of Great Britain, &c. That Mr. Robert Kirke served as Captain's Clerk of his Majesty's Ships Royal George, and Norwich, under my command, on board which my flag was flying; he also assisted my Secretary, Mr. Thomas Rumsey, from the 5th August, 1745, to the 2d day of January, 1745-6, during which time he behaved with great diligence and capacity. I therefore recommend him as a young man deserving their Lordships encouragement and preferment. Given under my hand the 10th day of February, 1745-6.

E. VERNON‡.

March 20th. Mr. Kirke was appointed by Commodore Knowles his Secretary.

* Father of the Commodore, who made the unjustifiable, cruel, and misconceived Complaint.

† Died Captain of Greenwich Hospital.

‡ An Admiral of too well-known Integrity and Valour to need any other remark than the bare mention of his Name.

1746, June

1761

1762

1763

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1746, June 3d. Was appointed by ditto his Secretary, as Governor of Louisbourg.

August 17th. Was appointed Agent for Sick and Hurt Seamen at Louisbourg by Isaac Townsend, Esq; Admiral of the Blue and Commander in Chief of the Squadron there.

1747, August 20th. Mr. Kirke was appointed Judge Advocate at Louisbourg by Charles Knowles, Esq; Governor, Commodore, and Commander in Chief there.

1747-8, January 30th. Was appointed Judge Advocate at Jamaica by Charles Knowles, Esq; Rear Admiral of the White and Commander in Chief there.

1748, April 2d. Was appointed Purser of the Enterprize at Jamaica by ditto.

June 23d. Was removed into the Lark by ditto.

September 2d. Was appointed Agent for Victualling the Squadron at Jamaica by Thomas Innes, Esq; Senior Officer in Port, and afterwards approved by Rear Admiral Knowles, the Commander in Chief there, who wrote as follows to the Victualling Board, viz.

November 16th. "As Captain Innes informed you of Mr. Lindsey your Agent's death, and his having appointed Mr. Kirke, my Secretary, to officiate in his stead during my absence; I have only to say, you need not doubt of his integrity, for I will be bound for him in all I am worth. As to his diligence in discharge of his duty, you will be the best Judges of that, for my own part I can declare I have ever found him as punctual in the one, as faithful in the other; and therefore beg leave to recommend him to your favours."

1757, December 28th. Mr. Kirke was appointed by the Right Hon. the Lords Commissioners of the Admiralty, Purser of his Majesty's Ship the Blenheim of 90 guns, then rebuilding at Woolwich.

1761, August 15th. The Blenheim was Commissioned.

1762, May 28th. Mr. Kirke sailed in her to Gibraltar.

June 18th. Was removed by Admiral Sir Charles Saunders into the Neptune.

1763, January 26th. The Neptune was paid off at Portsmouth.

1764, Decr

1764, December 14th. Mr. Kirke was appointed Consul for Algiers, and thereupon the Purserhip of the Neptune of 90 guns was given to Mr. Richard Short; and the reason assigned in the Admiralty books is "THE FORMER PURSER'S BEING APPOINTED TO THE CONSULSHIP OF ALGIERS."

WITH THE HELP OF GOD.

MAHOMET
Kiaya or Chief
Justice of the
Soldiers, Al-
giers in the
West

SULIMAN,
Aga or General
of the Soldiers,
Algiers in the
West.

MAHOMET,
DEY OF ALGIERS
IN THE WEST.

*

GOD bless and grant his divine protection and forgiveness from any evil, and always be with the King of our time, the Shadow of God Almighty upon Earth, King of all the Nations, King of the Moors and Turks, Friend of the Brave and Generous People, the Alexander of our time, Protector of the true Believers of the Holy Alcoran, and Defender of the world from bad people with only the command of his pen, King, Son of Kings, Succourer of the abandoned and distressed Princes,

• It is here to be remarked, that no letter or instrument from Algiers to Britain ever came under any other seal, signature, or sanction but such as the above, from whoever was Dey. But Consul Kirke's case and treatment being of so very extraordinary and remarkable a nature, it spontaneously produced the above general certificate, sealed not only with the Dey's seal, as customary, but (what never was done before, and very probably never will be again) by every man's in power in that country, agreeable to the requisition in Consul Kirke's credentials, viz. "And we do also in a friendly manner, pray and desire the Lords of the Government of the said City and Kingdom of Algiers, and all others in public authority there whom it may any way concern, that they receive and admit him, the said Robert Kirke, for our Agent and Consul General in the said City and the dominions thereunto belonging, and upon all his reasonable requests to do him THAT JUSTICE, and afford him THAT ASSISTANCE which may testify their friendship to us, and we shall UPON ALL OCCASIONS be ready to acknowledge:" which voucher, instrument, credential, or certificate is esteemed by the Algerines, equal to the strongest Recommendation that could possibly be given BY THE KING, LORDS, AND COMMONS OF GREAT BRITAIN.

King

King Mustapha, God Almighty bless him, and grant him long life, -and keep him long in his Throne, beloved and respected by all the world, and wherever his written orders shall arrive, they shall be executed respectfully, and Algiers and its Government, if happy to receive his mighty orders, are always very glad particularly, the Dey of Algiers, Mahomet Pashaw, God grant him the desires of his heart, and give him long life.

To the now King of England, Ireland, Scotland, and France, King and High Monarch, the most beloved of all the world, this humble and lovely paper.

WE, the most illustrious Mahomet Pashaw, Dey of the famous and warlike City and Kingdom of Algiers, in Barbary, do, in justice to, and from the real esteem we now and always bore Robert Kirke, Esq; his Britannic Majesty's Agent and Consul General, who has with so much honour and integrity resided with us for some time past, signify and declare to the most high, powerful, and mighty King, George the Third, King of England and all those seas, King of Scotland, King of France, and King of Ireland, Defender of the Christian Faith, and King of Kings, our steady and constant Friend, and good Ally, that from the first entry of the said Robert Kirke in this our warlike City, and during all the time of his continuance with us, he has acted with propriety and integrity; that his mild and prudent conduct has ever rendered his person and memory, not only an ornament to his own country, but the delight of ours; that his steady and unbiassed actions, have given us the highest proofs of his fidelity; that he has ever stood forth in the strongest manner for the honor and interest of his own nation, without infringing the laws and customs of ours; that he has not only been attentive to protect, but also to promote trade and commerce, which has flourished much since his residence here: So praying God to bless and continue our fast Friend and powerful Ally in his throne for ever, not doubting but that his faithful Consul, Robert Kirke, Esq; will meet that favour in his Sovereign's presence, that from his conduct and merit, whilst with us, he may deservedly hope for. To all which we have caused our Royal Seal to be affixed, as also those of the Lords or Governors in power, in testimony of our general approbation and good will towards him, hoping to see him here again as Consul; and that this our recommendation and certificate may have its due weight in the Consul's favour, when delivered to our high and powerful Friend;

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apprehending, that unless the Consul is removed for preferment, many misrepresentations must have been made of his conduct, which has chiefly induced us to present him with this our Royal Certificate, which we most heartily do, praying God for the good effect thereof, and that God Almighty may increase every day more the friendship that subsists between us. Amen In the year of the Higira one thousand seven hundred and eighty, the month of Gumel, el wel the ninth; which corresponds with the Christian stile, namely the thirteenth of October, one thousand seven hundred and sixty-six.

IBRAIM,
Hafnagee,
Algiers in the
West.

HUSEIN,
Aga of the
Arabs, Algiers
in the West.

VELY,
Hogia of the
Horse, Algiers,
in the West.

HASSAN VE
KEL HARGE,
Intendant of the
Marine, Algiers,
in the West.

In consequence of the foregoing Memorial's being read before the King in Council, it was referred to a Committee of Privy Council, who were pleased to transmit the same, with Sir Richard Sutton's letter annexed, to the Lords Commissioners of his Majesty's Treasury, with a recommendation for Mr. Kirke's relief.

At the Council Chamber, Whitehall, the 15th of February, 1780.

By a Committee of the Lords of his Majesty's most Honourable Privy Council.

His Majesty having been pleased by his Order in Council of the 2d of this instant, to refer unto this Committee the Memorial of Robert Kirke, Esq; setting forth, amongst other things, his having been, in December, 1764, appointed Agent and Consul General for the City and Kingdom of Algiers; in consequence of which promotion, the Memorialist set out for Algiers, at a very great, but necessary, expence for his equipment, suitable to the character of his office. That Commodore Harrison, being, in 1766, Commodore of his Majesty's Squadron in the Mediterranean, sent to the Board of Admiralty, and Secretary of State,

a very

a very unjust and severe complaint against the Memorialist, in consequence whereof he was suspended from his office. That the Memorialist hath not been paid the full salary due to him as Consul, nor the sum of 347*£*. he was obliged to expend for his Majesty's service there, which he hath verified on oath. And that the Memorialist has been at considerable expences in collecting evidence for his justification, touching said complaint. And humbly praying, for the reasons therein contained, that the facts stated in his said memorial may be strictly enquired into: And that if his Majesty shall be satisfied they are truly represented, his Majesty will be pleased to order that the Memorialist may be paid the salary so remaining due to him, as also the sum of 347*£*. so disbursed by the Memorialist, together with the expences he has been at in collecting the evidence above mentioned. And that the Memorialist may have such further relief, or mark of his Majesty's royal favour, as may appear most reasonable and just. The Lords of the Committee in obedience to his Majesty's said order of reference, this day took the said Memorial into consideration, and are hereby pleased to refer the same, and the papers accompanying it, copies whereof are hereunto annexed, to the Right Hon. the Lords Commissioners of his Majesty's Treasury, to consider thereof, and to do therein as to their Lordships may seem proper for the Relief of the Memorialist.

W. FAWKENER.

Mr. Kirke being informed, that in consequence of the above order of reference the Lords of the Treasury had been pleased to direct Mr. Kirke's Memorial, together with Sir Richard Sutton's Letter and said order to be laid before the Right Hon. the Earl of Hillsborough, in whose department Mr. Kirke had served, for his Lordship's opinion on the whole, Mr. Robinson, Secretary to the Treasury, inclosed the same for that purpose in his letter of the 24th of April, 1780, to Sir Stanier Porten, Knt. Keeper of State Papers; soon after which Mr. Kirke wrote the following letter to Robert Allen, Esq;

DEAR SIR, No. 31 Castle Yard, Holborn, 26th April, 1780.

ON the presumption of your knowledge of Lord Hillsborough, and the friendship you have been pleased to manifest towards me on
many

many occasions for upwards of 30 years, I ventured to trouble you with the copy of a letter I sometime since wrote Colonel Egerton, together with my Memorial to the King, which, after twelve years sollicitation and the exhausting during that period every shilling I had remaining for the necessary support of a numerous family, all which moneys I had been from my youth upwards with great difficulty, industry and honour obtaining, I have at length the pleasure of acquainting you, that on Earl Bathurst being appointed Lord President, my Memorial has been read and referred to a Committee of Privy Council, who have judged proper to send it to the Treasury with a Recommendation for relief. Their Lordships, I am told, have transmitted it to Lord Hillsborough, for his Lordship's opinion and acquiescence for redress, and before whom I apprehend the papers now lie, his Lordship being Secretary for the Southern Department, in which I was so *unfortunate to serve in Lord Shelburne's Time*. But as I now apprehend the matter will chiefly rest with Lord Hillsborough, it becomes necessary for some friend of humanity and feeling for distressed innocence, who, besides has some knowledge of the injured party, to stand forth by endeavouring to cause this dark and mysterious transaction to be clearly understood by Lord Hillsborough, otherwise it may so happen, that through the unavoidable hurry of public business the matter may, without strict inquiry, into the merits of so unparallel'd a case, take a different turn to what the great and good would be naturally inclined to do, on a fair state of the case being laid before them. Was I to be heard by Lord Hillsborough, sure I am, I could (setting aside my own dolencys) give his Lordship such certain intelligence on many particulars relative to the States of Barbary, as would not only be extremely useful, but very interesting and serviceable to Government, and highly necessary for his Lordship's information; particularly at this juncture, when Gibraltar is blocked up, and *Minorca in danger of being invested*; however, should no audience take place *, I cannot help flattering myself, from your goodness of disposition, that you will take an early opportunity of saying what you know, think, or have ever heard of me, for thirty years and upwards, that

* Minorca has since been invested, and Mr. Kirke never was honoured with any audience.
being

SKETCH OF THE CASE, &c. 21

being nearly the time I have had the pleasure and honour of your acquaintance and friendship. Resting satisfied that whatever you are pleased to say will have its due weight with every honest man in this or any other Country, I am, very truly,

Dear SIR,

Your ever obliged and most faithful humble servant,

ROBERT KIRKE.

PS. Sir Richard Sutton's letter, copy of which is annexed to the reference from the Committee of Council to the Treasury, *by endeavouring to throw some Colour on this fatal Catastrophe*, fills me with doubts lest any other improper report or impression should be made on Lord Hillsborough, in order to rivet the ruin of myself, wife, and five children †.

In answer to Mr. Robinson's letter, and the papers which accompanied it, the following Letter or Report was transmitted from Sir Stanier Porten to John Robinson, Esq;

SIR,

St. James's, 27th June, 1780.

I DULY received your letter of the 24th of April, with an order of council inclosed in it, dated the 15th of February preceding, referring to the Lords Commissioners of his Majesty's Treasury a Memorial of Robert Kirke, Esq; together with the papers accompanying it, praying payment of the remainder of his salary due to him, as also the sum of 347*l.* disbursed by him for his Majesty's service, &c.* during the time of his being his Majesty's Agent and Consul General at Algiers; and you having desired me to move the Earl of Hillsborough to take this matter into his Consideration, and to give their Lordships his opinion thereupon, I did not fail to lay the same before his Lordship according-

† Sir Stainer Porten's Report will fully evince Mr. Kirke's apprehensions to be but too well founded.

* See Appendix, (A) page 1 to 5.

ly. His Lordship has ordered the books and correspondence in this office during that period, and afterwards to be attentively examined, and after having been fully informed of all the particulars contained in them on this subject, I am directed by his Lordship to state to you the following circumstances.

Mr. Kirke was recommended to the King by the late Earl of Hallifax, to be employed as Agent and Consul General at Algiers. His Commission was dated the 14th of December, 1764, on which day commenced his pay and usual allowance. On the 30th of April, 1765, he was ordered to join Capt. Cleveland at Portsmouth, who was charged with a commission from his Majesty to all the States in Barbary, and they proceeded together to Algiers. In April, 1766, Commodore Harrison then Commander in Chief in the Mediterranean, went with part of his Squadron to Algiers, and during his stay there a very disagreeable misunderstanding happened between him and Mr. Kirke. The Commodore complained to the then Lords of the Admiralty of Mr. Kirke's behaviour, and their Lordships communicated to his Grace the Duke of Richmond, at that time Secretary of State, the particulars of the Commodore's complaint, and they were soon after transmitted to the Duke of Richmond directly by the Commodore, as appears in his Grace's letter to Mr. Kirke dated the 28th July, 1766. *But it is necessary to observe, that neither the Commodore's Letter, or that from the Admiralty on this Subject are at present to be found in this Office.* In the above mentioned letter, his Grace expressed to Mr. Kirke his surprize at not having heard from him sooner concerning this business, and signified to him his Majesty's pleasure that he should return to England to give an account of his conduct, transmitting to him, at the same time, a copy of the complaints made against him, that he might be the better enabled to collect any papers or proofs to produce in his justification.

His Grace added, that the King, in order that the public business might not suffer interruption or inconvenience, had been pleased to appoint Mr. Sampson, by whom the said letter was sent †, to manage the

† True it is, Mr. Sampson was the Bearer of the Letter, but he not only took an opportunity, but especial care to break open said letter, to inform himself and his Colleague,

SKETCH OF THE CASE, &c. 23

affairs of his Majesty's Consulate at Algiers. On the 22d May, 1766, Mr. Kirke wrote a letter to this office which was received here on the 7th July following, in which he mentions that an unfortunate misunderstanding had happened between him and the Commodore, and that he would write fully by the next opportunity. In effect, another letter was received from him on the 8th of August, dated the 20th of June preceding, which accompanied copies of several letters, that had passed between him and the Commodore, together with other papers relative to his conduct on that occasion; but there does not appear that any letters were written to him afterwards from this office, nor any thing further done concerning the subject of his difference with Commodore Harrison, who died soon after, in the Mediterranean.

With regard to Mr. Kirke's salary and allowance, it appears, that the whole amount was paid to him in the usual manner, from the 14th December, 1764, to the 14th December, 1765, and that on his arrival in England in 1767, he applied to the Earl of Shelburne, and at the end of that year presented an account of his claims and demands to his Lordship, who after a very full and minute examination of every particular, laid the whole case before the King, as is stated in the most distinct manner in Lord Shelburne's letter to the then Lords Commissioners of his Majesty's Treasury, dated the 29th April, 1768.

Inclosed is an Extract from that letter, as far as relates to Mr. Kirke, by which it appears, that Mr. Kirke's full allowance and salary were paid to him from the 14th December 1765 to the 14th December 1766 when they ceased, and were determined. It further appears by that extract, that his Majesty was graciously pleased to allow Mr. Kirke, a-

Commodore Spry, of the contents, the better to enable them to carry on their unjustifiable business, notwithstanding such letter was ON HIS MAJESTY'S SERVICE, directed to Consul Kirke at Algiers, and sealed with two seals of the Secretary of State. In exculpation of Mr. Sampson's guilt, he had the Effrontery to tell Consul Kirke, that a bottle of Hungary Water had accidentally broke in his chest (it must naturally then be supposed a common sea chest, and Mr. Sampson a common sailor, though he quickly after transformed himself, by the aid of his Excellency, to an Agent and Consul General) which occasioned the melting of one of the seals, for which, and many more as ingenious Exploits, mentioned in this work, set aside his ever-memorable Conduct at Tetuan, Mr. Kirke is credibly informed Mr. Sampson, as a Reward, has enjoyed a considerable Pension for some time past—to whose Misrepresentation of his conduct he stands indebted for such a Boon, Mr. Kirke is as yet at a loss to find out.

part

part from his usual bill of extraordinaries to the 14th of December 1766, the sum of 150*£*. for extra extraordinaries, 376*£*. 2*s*. 9*d*. $\frac{1}{2}$ for the time he remained at Algiers, after his allowance ceased; so that he was paid, in effect, the full salary and extraordinaries of his office, until the end of April 1767, and 200*£*. for his return to England. And the payment of these three sums was considered in full of all his claims and pretensions.

This is all that is found in this Office, to have been transacted from Mr. Kirke's first appointment to the Consulship at Algiers.

Several certificates appear to have been laid before the Lords of the Council relating to Mr. Kirke's character and behaviour before he was appointed to the Consulship at Algiers, very much to his credit and advantage, which Lord Hillsborough directs me to observe to you. And also that Lord Shelburne, when he quitted the seals, recommended Mr. Kirke, in consideration of his merit, to his successor, Lord Viscount Weymouth, to be employed whenever there might offer a favourable opportunity; and in effect, Lord Weymouth, in the year 1769, offered to send Mr. Kirke in the quality of Consul to the Emperor of Morocco; but Mr. Kirke then declined it, and has ever since been out of employment. He is now reduced at an advanced age with a large family to a very distressed situation, and appears to Lord Hillsborough an object deserving of compassion. I am,

SIR,

Your most obedient humble servant,

S. PORTEN.

John Robinson, Esq; Treasury.

IT is with Concern Mr. Kirke is forced to observe, that, by the foregoing Report, instead of Relief, his Sorrows are likely to be renewed with double Force, occasioned by the many Inaccuracies and Misrepresentations of almost every Circumstance relative to Mr. Kirke's unprecedented, hasty, and unhappy Dismission from his Employment; for in this Letter or Report there appears a Disposition at all Events to throw unmerited Blame on Mr. Kirke, whether by Sir Stanier Porten's Omissions, the Papers being mislaid, or Lord Shelburne's having kept back very many Letters and other Documents, *tho' on his Majesty's Service*, which not only fully clear Mr. Kirke of any Accusation whatever so unjustly laid to his Charge, but likewise prove Part of his Demands on Government, together with other important Matters; and which Letters and Vouchers either are, or ought to be in the Office where Sir Stanier acts, who, as before observed, by misrepresenting some of the Facts he seems to have attended to, and cruelly perverting others, has, in effect, made Mr. Kirke's Conduct appear in a Light equally unfavourable to Truth and him, throwing a Veil over every material Circumstance that happened in Mr. Kirke's Time at Algiers, and passing over the whole of his Justification afterward, so very material and interesting to Mr. Kirke and his Family, and founding a Kind of Recommendation chiefly on Certificates only which appeared greatly in Mr. Kirke's Favour before he had any thing to do with Algiers. Mr. Kirke would fain attribute all this to Hurry of Business; but when he considers the Time taken to *frame* this Report, which was upwards of two Months, he finds it impossible to admit such Palliation: But as general Assertions in Matters of this Kind have less Weight than real Proofs of the particular Facts, Mr. Kirke thinks

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it necessary to divide Sir Stanier Porten's Letter or Report into its several Parts, that his Remarks may be made more distinctly on each by itself, as follows, viz.

R E P O R T.

SIR,

St. James's, 27th June, 1780.

I DULY received your letter of the 24th April, with an order of Council inclosed in it, dated the 15th of February preceding, referring to the Lords Commissioners of his Majesty's Treasury a Memorial of Robert Kirke, Esq; together with the Papers accompanying it, praying payment of the remainder of his salary due to him, as also the sum of 347*£*. disbursed by him for his Majesty's service, &c. during the time of his being his Majesty's Agent and Consul General at Algiers. And you having desired me to move the Earl of Hillsborough to take this matter into his consideration, and to give their Lordships his opinion thereupon, I did not fail to lay the same before his Lordship accordingly.

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* See

SKETCH OF THE CASE, &c. 27

REMARKS.

Mr. Kirke's Memorial humbly prayed, that his Majesty would take his case into consideration, and that the facts might be STRICTLY enquired into, and if found truly represented, that he might be paid the Salary remaining due to him, also 347*£*. disbursed for his Majesty's service, together with the Expences he had been at in collecting evidence agreeable to the Secretary of State's directions for that purpose. And that he might receive such further relief or mark of his Majesty's Royal favour, as might appear most reasonable and just. The sum of 347*£*. is the only sum exactly stated in the Memorial, notwithstanding which, Sir Stanier Porten has not taken the least notice whatever of it throughout his report, or even so much as touched on the several letters that passed on the subject between Consul Kirke, the late Earl of Halifax, and General Conway*; though in the next paragraph of his report he observes, Lord Hillsborough had "ordered the books and correspondence in the office during Mr. Kirke's Consulship and afterwards to be attentively examined, &c." why then, leave the whole of this matter, so very material to Mr. Kirke, intirely out of the question? And it is further to be remarked, that the said 347*£*. is far from being the whole of Mr. Kirke's demand on Government, as it very clearly appears by the account in the Appendix, that it does not amount to the fourth part of what is justly Mr. Kirke's due; though Mr. Kirke did not bring his full charge into the Memorial, as he prayed the whole of his case might be examined into, and if found to be true, was in hopes, after the many hardships he had so unjustly suffered and his long and faithful services considered, he should have been able to obtain not only adequate relief, but also some mark of royal favour, as the real sums actually due to Mr. Kirke from government far exceed 1600*£*. as will more clearly appear on perusing the account†.

* See Appendix (A) pag. 1, 2, 3, 4.

† See Appendix (B) pag. 4 and 5.

SKETCH OF THE CASE, &c.

REPORT.

His Lordship has ordered the books and correspondence in this Office during that period and afterwards to be attentively examined, and after having been informed of all the particulars contained in them on this subject, I am directed by his Lordship to state to you the following circumstances.

Mr. Kirke was recommended to the King by the late Earl of Halifax, to be employed as Agent and Consul General at Algiers. His commission was dated the 14th of December, 1764, on which day commenced his pay and usual allowance.

On the 30th of April, 1765, he was ordered to join Capt. Cleveland at Portsmouth, who was charged with a commission from his Majesty to all the States in Barbary, and they proceeded together to Algiers.

REMARKS.

Lord Hillsborough, from his known character of equity and goodness, did undoubtedly order the books and papers in the Office during that period *and afterwards* to be attentively examined. But that his Lordship was fully and truly informed of the several particulars relative to the subject, cannot be believed; for if he had, it is not possible that his Lordship could have suffered a report so full of absurdity and misrepresentation to have passed his office.

True,

Mr. Kirke was ordered to join *Commodore* Cleveland at Portsmouth, who was charged with a commission as Ambassador to the State of Algiers * *only*; as he touched at no other port in Barbary, and they proceeded to Algiers accordingly.

* This Circumstance was the origin of Commodore Harrison's disgust, for (as he told Consul Kirke, on his coming first from Mahon to Algiers) it had been always customary to give or send the commander of the Squadron in the Mediterranean the commission of ambassador to the States of Barbary. The fact was thus: The late Earl of Bristol, then the Hon. Capt. Harvey, was appointed to the Command of the Centurion, and was to have taken the late Duke of York on board, and carried him to the Mediterranean, where Capt. Harvey was to have commanded the Squadron. On this occasion he expended between two and three thousand pounds in making the ship commodious, purchasing velvet hangings for the cabin, state room, &c. together with the large quantity of wines, stock, and various other necessaries he laid in for that purpose; soon after which, Capt. Harvey was appointed a Gentleman of the Bedchamber to his Majesty, and brought into Parliament, On which a proper person was to be found to take the command, carry the Duke, and reimburse Capt. Harvey the large sum he had expended on his out-fit; when none could be found but Capt. Harrison, who was a very young post captain, but his father having left him a very large fortune, he (for the sake of so high an appointment) paid Capt. Harvey the sum he had expended, took the command, and sailed accordingly with his Royal Highness on board for the Mediterranean. Some time after which, Capt. Cleveland, son of Mr. Secretary Cleveland, of the Admiralty, who commanded the Phoenix, a 50 gun ship, had the com-

REPORT.

In April, 1766, Commodore Harrison, then Commander in Chief in the Mediterranean, went with part of his squadron to Algiers, and during his stay there, a very disagreeable misunderstanding happened between him and Mr. Kirke. The Commodore complained to the then Lords of the Admiralty of Mr. Kirke's behaviour, and their Lordships communicated to his Grace the Duke of Richmond, at that time Secretary of State, the particulars of the Commodore's complaints, and they were soon afterwards transmitted to the Duke of Richmond directly by the Commodore, as appears in his Grace's letter to Mr. Kirke, dated the 28th July, 1766.

REMARKS.

It is here to be observed, that Commodore Harrison came first to Algiers, in Mr. Kirke's Consulship, in November, 1765 *; not with any squadron, only in the Centurion, on board which ship his broad pendant was flying. His coming, then, will manifestly appear to have turned out only a trading voyage; and not on any public business whatever. It is likewise to be observed, that the Commodore returned afterwards in the same ship, in April, 1766 †; and then it will also appear to have been on the same errand, by comparing the Dey's letter to the King, corresponding with the 20th of May, 1766 ‡, our stile, with Consul Kirke's of the 22d of said May §, to the Secretary of State; which will clearly shew, that the misunderstanding was between the Commodore and both the Deys, and not between Consul Kirke and the Commodore; and that the tenth Article of the Treaty had been misunderstood by Commodore Harrison abroad, and the whole matter misconceived at home, when his Grace of Richmond's letter of the 28th of July, 1766 ||, on that sub-

commission of ambassador, and was directed to receive Consul Kirke, and his retinue, and take them to Algiers, which he did; but it is here to be remarked, that Commodore Cleveland, being senior officer to Commodore Harrison, it became necessary to prevent the two broad pendants from meeting together within the limits of the same command; therefore Commodore Cleveland, after his arrival at Algiers, struck his broad pendant, and sent the Phoenix to Mahon, under the command of his first Lieutenant, Mr. Pott, to rest and victual there, for had the two pendants met, Mr. Harrison must have struck his, Mr. Cleveland being senior officer on the list of captains, and this, together with Mr. Cleveland's having the commission as ambassador, gave the first umbrage to Mr. Harrison, not that he could have obtained what he aimed at, even had he been an ambassador, or any other rank whatever, as his demands were contrary not only to his own Instructions, but also to the Treaty and Fundamental Laws of Algiers, and likewise to the Oath which the Dey always takes on his accession to the Deylic or Government of that Country.

* This will appear by the Centurion's Journal in the Admiralty Office, and by the Dey's letter to the King, Appendix (C) page 6.

† See same Journal.

‡ This Letter of the Dey was too material a Paper to have been suppressed by Sir Stanger Porten, if the least attention had been paid to a candid Investigation of this Matter; for it contains a full Account of the whole Transaction, and consequently would at that time, and will at this most completely justify Mr. Kirke. See Appendix (C) pag. 6, 7, 8, and 9.

§ See Appendix (D) pag. 9 and 10. || See said Letter, Appendix (N) page 51,

REPORT.

But it is necessary to observe, that neither the Commodore's letter, or that from the Admiralty on this subject are at present to be found in this Office.

R. E M A R K S.

subject to Consul Kirke, particularly in answer to the Dey's, was penned. As the Dey and Consul Kirke's letters were received at the Secretary of State's Office on the 7th of July, 1766, and his Grace's letter is dated the 28th following, this matter is further confirmed by Consul Kirke's letter of the 20th of June ¶ following, with the several inclosures that accompanied it, which was also received at the Secretary of State's Office on the 8th of August following, only eleven days after the date of his Grace's said letter of the 28th of July, 1766—It seems very extraordinary that Sir Stanier Porten, whose particular department is that of Keeper of State Papers, should not be able to find any of these letters in his Office, tho' expressly directed on his Majesty's Service, and *very particularly ordered by Lord Hillsborough to be attentively examined.*

Mr. Kirke does not at all wonder at this observation of Sir Stanier Porten's, having the greatest reason imaginable to be assured that all the Commodore's letters on the subject appeared upon reinspection of such a nature as to be better lost than found.

But it is not only very necessary, but very lucky for Mr. Kirke, to have it in his power to acknowledge the receipt, not only of the extract from the Commodore's letter of complaint to the Admiralty †, the same having been transmitted to him by his Grace the Duke of Richmond, in his letter of the 28th of July, 1766, but likewise that to Mr. Secretary Conway **, which was delivered to Mr. Kirke, in Lord Shelburne's Office, on the 9th of September, 1767, by Mr. Sutton, for Mr. Kirke to answer, which, as Mr. Kirke has before observed, had been fully done by the Dey's letter of the 20th of May, 1766 †, Consul Kirke's letter of the 22d ‡, and his other letter, with the inclosures, of the 20th of June following §. These letters were all received at the Secretary of State's Office, by the 3th of August, 1766 (as appears in this Report) and afterwards confirmed by several authentic Affidavits taken agreeable to his Grace of Richmond's letter of the 28th of July, 1766 ||, for that very pur-

¶ See Appendix (E) page 10 to 39.

† See Appendix (O) page 54.

** See Appendix (P) page 58.

‡ Ditto (C) page 6.

‡ Ditto (D) page 9.

§ See Appendix (E) page 10.

|| Ditto (N) page 51.

REPORT.

In the abovementioned letter, his Grace expressed to Mr. Kirke his surprise at not having heard from him sooner concerning this business, and signified his Majesty's pleasure that he should return to England to give an account of his conduct; transmitting to him at the same time a copy of the complaints made against him, that he might be the better enabled to collect any papers or proofs to produce in his justification,

R E M A R K S.

purpose. Notwithstanding which, Mr. Kirke did again fully answer and confute such complaint, and all others, in his letters to Lord Shelburne of the 30th December, 1768 †; after which, Lord Shelburne assured Colonel Egerton, that Mr. Kirke had acquitted himself to his (Lord Shelburne's) intire satisfaction, and that Mr. Kirke should be very shortly provided for.

His Grace could not be more surprized at not hearing from Consul Kirke sooner, than Mr. Kirke was, and still is at having received such a letter from his Grace; for the Dey's letter of the 20th May, 1766 ‡, accompanying Consul Kirke's of the 22d following ||, which were received by his Grace on the 7th July, 1766, as appears by this Report, was as full and explicit an answer to the letter his Grace was pleased to write 21 days afterwards to Consul Kirke §, as any man then could, or now can give thereto, set aside Mr. Kirke's other letter with the inclosures of the 20th June following *, which was received by his Grace, or whoever was Secretary of State on the 8th August, as likewise appears by the Report, only eleven days after the date of his Grace's said letter of the 28th July, 1766; nevertheless, Mr. Sampson was suffered to proceed; and Mr. Kirke did agreeable to his Grace's directions, therean collect such proof, consisting of a number of affidavits, and other authentic papers, as must have convinced any unprejudiced mind of Consul Kirke's intire innocence throughout the whole affair: for no Consul or Minister can alter the laws and customs of other countries, or break treaties solemnly entered into by crowned heads, without proper authority first had for such breach, or directions for negotiating on such alterations; one proof of which, amongst many that might be adduced, besides the nature and reason of the thing, is, the justification of his late Royal Highness the Duke of Cumberland, in regard to his Retreat to Stade, signing the Convention or Treaty of Neutrality for Hanover, and his

† See Appendix (Q) page 63, (R) 68, and (U) 91.

‡ Ditto (C) page 6.

|| See Appendix (D) page 9.

§ Ditto (N) p. 31.

* Ditto (E) page 10.

REMARKS.

his consequent return to England, as taken from his Royal Highness's own Manuscript ††.

†† A JUSTIFICATION of his Royal Highness the Duke, in regard to his Retreat to Stade, signing the Convention, &c.

SOON after the French forced the Duke into Hanover, he received a letter from his Majesty, desiring him; in case they should press him too hard, to bend his retreat to Stade. To which his Royal Highness answered, that was a place by no means proper for maintaining his Army, being destitute of every necessary. He therefore thought the King of Prussia would be much more preferable, and at the same time much more practicable.

Hanover his Majesty had too much at heart, and the preservation of it, to come into this proposal; accordingly, he writes to the King of Denmark to intercede with the French in favour of Hanover, and ordered the Duke to comply with the Terms that might be proposed by Richlieu, through the mediation of the King of Denmark, who immediately gave instructions to his Ministers to treat with Richlieu thereon.

And now his Majesty's impatience was too great to admit of loss of time; he therefore writes again to the Duke by all means to retreat to Stade, assuring him that ammunition, forage, and provisions should be sent from England; and that the sooner the Convention was signed the better.

The King of Prussia was no stranger to these transactions, and made remonstrances accordingly upon them; Lord Holderness, wrote to the French ministers, wherein he asserted that whatever treaty the Duke signed for Hanover was without the participation of the Court of London. True, it was; for his Majesty had given private instructions to his Hanoverian Ministers to negotiate this convention, and then laid before his Council the necessity there was of sending every thing necessary for the subsistence of the Army at Stade.

Agreeable thereunto, Sir J. Ligonier was consulted, to know the quantity of provisions, ammunition and forage necessary for the troops, and even for apothecaries' medicines.

Orders were dispatched, transports taken into pay, nay part of the flour and corn was embarked, and we suppose Mr. Pitt, and the rest of the ministers were either ignorant of the force of their own laws, or had forgot that in the last sessions of parliament an act passed to prohibit the exportation of grain, &c. The Custom-House Officers therefore refused to clear the ships; they had recourse to the Attorney General, who told them it could not be done without annulling the act of parliament.

Thus were they obliged to reland what they had ship'd.

The Convention being signed, the Duke had nothing to do in Germany; he therefore returned to England universally condemned for his supposed ill conduct.

The first words his Majesty spoke, were, "I doubt not but you can answer for the Treaty of Neutrality." The Duke, much astonished, takes out of his pocket an Extract of his Majesty's orders, declared they had been literally obeyed, that he had always been at his

Ma-

REMARKS.

The very many thousands that have been unnecessarily squandered away in consequence of the rash dismissal of Consul Kirke by Lord Shelburne, set aside the odium brought on this great nation in Algiers not only with the Dey and his Ministers, but the Consuls of all Foreign Powers in amity with that State, by insisting on the breaking their fundamental laws and customs, which never can be attained; the disgraceful returning our Consul Fraser from thence, and the many that have been appointed to no purpose can best be set in a true light by the Secretary of State for the Southern department, who, Mr. Kirke begs leave humbly to represent, will never have any rest for the soles of a British Consul's feet in that country, till the late Consul Kirke is permitted to a solemn audience of the Secretary of State, that he may see with his own eyes, and hear with his own ears, and be enabled to act from the true state of facts as they are; but surely it is cruelty beyond credibility, not to allow a trial or hearing to a subject of Great Britain, ordered home for that express purpose, and one, who, by unremitted attention to business from his youth upwards, had at length attained the high honour of representing his Sovereign at a Foreign State, though since, by being refused that justice a murderer is intitled to in England, namely, a trial or hearing, and by that means an acquittal or condemnation, the want of which has obliged Mr. Kirke to exhaust an independent fortune he had been upwards of 20 years obtaining in different climates at the risque of his life in his country's service, and during near 14 years afterwards soliciting for a hearing or justice; and the only prospect that now presents as a reward is Starving, or a Gaol, and his helpless wife with five children going to a Parish Workhouse, no other alternative appearing in their behalf, unless justice be speedily afforded him.

Majesty's disposal and the service of his Country, for which he was ready to sacrifice his life; but his honour he would not—no—not for his father. He then retired, and the next day gave up his commissions.

However, his Majesty sent his ministers to kiss his hand, desiring he would take his usual posts, assuring his Royal Highness they could not do without him; though hitherto he has not been prevailed upon.

REPORT.

His Grace added, that the King, in order that the public business might not suffer interruption or inconvenience, had been pleased to appoint Mr. Sampson, by whom the said letter was sent, to manage the affairs of his Majesty's consulate at Algiers.

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R E M A R K S.

As it was determined Consul Kirke should come home to answer the imaginary complaint in person, his Grace was pleased to send out Mr. Sampson with a letter, acquainting Consul Kirke, that his Majesty had been pleased to appoint the said Mr. Sampson to manage the affairs of his Majesty's Consulate at Algiers in Consul Kirke's absence, and likewise to transmit therewith a copy of the charge to enable Mr. Kirke to answer the same on his arrival in England; notwithstanding which, Mr. Kirke was superseded by Lord Shelburne, and Mr. Fraser appointed full Consul in Consul Kirke's stead near six months before even a copy of the complaint came to Mr. Kirke's hands. But here Mr. Kirke cannot avoid observing, as it is much to the honour of his Grace of Richmond's candour, that he did more, for *when* Mr. Kirke's worthy friend, the late William Sharpe, Esq; Clerk of his Majesty's most honourable Privy Council, was pleased, on hearing what was in Agitation, voluntarily to wait on his Grace, and to do Mr. Kirke the honour of mentioning his long acquaintance with and knowledge of him, and that he was sure he could not be guilty of the charges set forth by Commodore Harrison, and therefore he hoped that a copy of the complaint might, as is usual, be sent out to Consul Kirke to answer before he was precipitately called home, and more especially on account of the large family he had taken with him, and the great expences Mr. Kirke had been necessarily put to in the equipment of himself and them; his Grace was pleased to say, that though he did not know Mr. Kirke or any of his connections yet he would not do so unjust a thing as dismiss any man unheard; but as the Admiralty as a Board * had made an application

* The application from the Admiralty as a Board took its rise from the following circumstance.

The Commodore had carried the late Duke of York about the Mediterranean on board the ship he commanded, and in a storm they had like to have been cast away together. Danger always begets affection between fellow sufferers, and his Royal Highness ever after this circumstance was pleased to honour Commodore Harrison with his particular friendship; and when the Commodore determined upon the ruin of Consul Kirke (which he wantonly did, because the Consul could not do impossibilities by complying with Requisitions that

REMARKS.

plication for Consul Kirke's total dismissal, he could do no less than order him home to answer the complaint; nevertheless, that if Mr. Kirke should be able to justify himself on his arrival, he would then move the King to pay Mr. Kirke's expences amply, and send him back with honour to his employment, which Lord Shelburne took effectual care to prevent by superseding him as above set forth. However, it so happened, that the letter his Grace sent by Mr. Sampson, though on his Majesty's service, and sealed with two impressions of his Grace's arms, was broke open before it was delivered to Consul Kirke, and the contents being found not to answer some people's purposes, it was judged expedient to introduce Mr. Sampson to the Dey as full Consul, which being done by his Excellency Commodore Spry, and the usual salute demanded by his Excellency and Mr. Sampson the supposed Consul, it was readily complied with, as it opened the door for the Dey, his Ministers, &c. to demand the usual Consular presents on the arrival of a new Consul; the salute being over, Mr. Sampson, to give further colour and confirmation of his being full Consul, went off to the *Æolus*, commanded by the Hon. Captain Cornwallis, with a flag supplied him by his Excellency Commodore Spry, to pay his compliments to Captain Cornwallis as full Consul, and was, on quitting the ship, saluted in that character with eleven guns from the *Æolus*. This was

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that were contrary to the Fundamental Laws of the State where he resided, and to the Treaty subsisting with England) he took advantage of his Royal Highness's indulgence to him so far as to ask, that he would make a point of procuring the Consul's total dismissal.

His Royal Highness was not unmindful of his Friend's request, but when he saw Lord Egmont (then first Lord of the Admiralty) who came to his Royal Highness's levee soon after his return to England, desired that he would get Mr. Kirke removed from his Office of British Consul at Algiers.

It is a truly melancholy thing to observe how easily some men are prevailed on to sacrifice a private individual to the pleasure of a prince. Mr. Kirke is sorry to give a Proof of it in his own case. Though he was no way connected with the Office in which Lord Egmont presided, being wholly in the line of the Secretary of State's Department, yet his Lordship went so far out of his way as to apply to that Secretary in an Official Manner for his Dismissal. *May this cruel Instance of Adulation to an earthly Prince, be forever forgotten by the King of Kings!*

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contrived by way of further blind, and to deceive the Dey and his Ministers, and Mr. Kirke's Drugoman being, at his Excellency the Ambassador's request to the Dey, immediately taken from Consul Kirke to attend on Mr. Sampson as *full Consul* the Dey sent to the *supposed* Consul Sampson for the usual presents for himself, his Ministers, &c. This hurried Mr. Sampson away to his Excellency Mr. Spry, and they, after laying their wise heads together, attended the Dey, who insisted on the customary presents being distributed; on which his Excellency Mr. Spry, together with the *new-conjured-up* Consul Sampson looked very small indeed, and on their equivocating relative to the presents for the Dey, his Ministers, &c. his Excellency Mr. Spry was not allowed the house, provisions, and other accommodations always allotted for English Ambassadors; therefore his Excellency was obliged to return on board ship, or pay rent for a house, &c. The latter of which, Mr. Kirke believes his Excellency did, and no good understanding whatever afterwards subsisted between the Dey, his Excellency, or his Excellency's *new-created Consul*.

N. B. Mr. Spry is dead, therefore peace to his ashes; Mr. Kirke does not wish to appeal to witnesses, whose testimony cannot be procured; but Mr. Sampson is yet living, and can, if called on for that purpose give a full account of this, and many more as memorable transactions of his Excellency and himself; if otherwise, several persons, as well as Mr. Kirke can*; when the wonder at part of the late behaviour of the Algerines, and other States of Barbary, towards this nation will cease.

What Mr. Sampson's allowance from Government for his gallant proceedings is, Mr. Kirke will not take upon him to ascertain; though he has heard it is full 200*£*. per ann. but this he has been credibly informed, that Mr. Frazer has only 600*£*. per annum, till a place equivalent can be found for him; though Mr. Kirke and his family are starving. Cruelty beyond credibility!

* A small specimen however may be seen, Appendix (T) page 89.

REPORT.

On the 22d May, Mr. Kirke wrote a letter to this Office, which was received here on the 7th July following; in which he mentions, *that an unfortunate misunderstanding had happened between him and the Commodore*, and that he would write fully by the next opportunity. In effect, another letter was received from him the 8th August, dated the 20th June preceeding, which accompanied copies of several letters that had passed between him and the Commodore, together with other papers relative to his conduct on that occasion.

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REMARKS.

Mr. Kirke did write a letter of the 22d May 1766 * ; but most solemnly denies having therein mentioned any misunderstanding between himself and the Commodore ; for on a reinspection of that letter, it will be found, that Mr. Kirke's words were exactly as follows, viz. "*an unfortunate misunderstanding which unluckily happened whilst Commodore Harrison was here in the Centurion †.*" And the Dey's letter, which accompanied Consul Kirke's, with those expressions in it, most fully and clearly sets forth, that it was owing to Commodore Harrison's weakness, and misconceiving the Treaty, that first occasioned the misunderstanding with the late as well as present Dey ; and as a confirmation of the truth of what Mr. Kirke now asserts, that no misunderstanding was subsisting between him and the Commodore, it will most clearly appear by the Dey's letter of the 20th May, 1766 †, to his Majesty, which accompanied Mr. Kirke's of the 22d of the same month, that a very exact and minute detail of the misunderstanding alluded to is given by the Dey, and plainly shews, that it was between the Commodore and the late as well as present Dey, and not between the Commodore and Consul Kirke ; and that it first arose in November, 1765, and not in April 1766 ; and in that letter the Dey not only clearly shews that Consul Kirke took no part whatever, or was in any degree concerned in the transaction or proceedings of the Commodore, which gave rise to that misunderstanding between the Commodore and both the Deys, but likewise uses the following words, viz. "*and now, my good Friend, all that was done we have wrote to your Majesty, assuring your Majesty that your Consul has ever acted in the most upright and proper manner, using his utmost endeavours in his nation's behalf.*" And as a further confirmation of the matter being wholly misconceived in England, the Dey, on receipt of the answer written to his said letter of the 20th May, 1766, which was delivered by his Excellency Commodore Spry when he introduced Mr. Sampson, on its being read in public before the Dey and his Ministers, they stared with astonishment at each other, and the Dey asked "*If the people in England were in their proper senses ?*"

* See Appendix (D) page 9.

† Palliating as much in favour of the Commodore (after the Dey's Letter to the King) as the Nature and Coincidence of Circumstances could possibly admit.

† Ditto (C) page 6.

REPORT.

But there does not appear that any letters were written to him afterwards from this Office; nor any thing further done concerning the subject of his difference with Commodore Harrison, *who died soon after in the Mediterranean.*

R E M A R K S.

The direct contrary will most evidently appear on reading the following letters, ALL ON HIS MAJESTY'S SERVICE, viz. Lord Shelburne's to Consul Kirke of the 1st August 1766 ¶; Consul Kirke's to Lord Shelburne in answer thereto of the 31st October, 1766 †; ditto to ditto of the 6th December, 1766 ‡; ditto to ditto of the 3d February, 1767 §; Lord Shelburne's to Consul Kirke of the 2d of January 1767 §, Consul Kirke to Lord Shelburne of the 5th of April 1767, Appendix (K) page 49 with an *; ditto to ditto of the 12th July, 1767 ¶; ditto to ditto of the 14th September 1767 **. Also Mr. Kirke's *three letters to the Earl of Shelburne of the 30th December 1767* †; in the strongest and most explicit manner exculpating himself of *every Charge* so unjustly and without the least shadow of reason set forth against him, by a *weak and inconsiderate Man*, who had not only acted unbecoming the character of an officer, but totally mistook the Treaty and the Laws of Nations; after which, and numberless attendancies on Mr. (now Sir Richard) Sutton, who by Lord Shelburne's direction examined into the whole matter, and read the several affidavits and certificates taken in obedience to his Grace of Richmond's letter of the 28th July, 1766, for that very purpose, all which Sir Richard declared he had reported to Lord Shelburne ‡, who acquainted Colonel Egerton Mr. Kirke had cleared himself to his (Lord Shelburne's) entire satisfaction, and that Mr. Kirke should be provided for shortly.

It is also necessary to observe that Commodore Harrison did not die on after the 8th August, 1766, nor in the Mediterranean, but in England, and at his seat near Plymouth, on or about the 2d February 1768. And it therefore behoves Mr. Kirke here to observe, that he had fully justified the whole of his conduct so long ago as in the year 1766 §§.

¶ Appendix (F) page 40. † Ditto (G) page 41. ‡ Ditto (H) page 43.

§ Appendix (I) page 46. § Ditto (K) page 48. ¶ Ditto (L) page 49.

** Appendix (M) page 50. † Ditto (Q) page 63, (R) page 68, and (U) page 91.

‡ It is here to be observed, that Mr. Kirke made repeated Applications to Mr. (now Sir Richard) Sutton for a Sight of his Report to Lord Shelburne, lest any the most trifling letter, might, through hurry of business, have escaped his notice, and be thereby misrepresented to his Lordship; to prevent which, Mr. Kirke anxiously wished to have an opportunity of setting the whole in the clearest light imaginable: but all the satisfaction Mr. Kirke could obtain from Mr. Sutton was, that it was a matter of a Private, Confidential nature, and that he could not shew it.

REPORT

With regard to Mr. Kirke's salary and allowance, it appears, that the whole amount was paid to him in the usual manner from the 14th December, 1764, to the 14th December, 1765.

And that on his arrival in England in 1767, he applied to the Earl of Shelburne, and at the end of that year presented an account of his claims and demands to his Lordship, who after a very full and minute examination of every particular, laid the whole case before the King, as is stated in the most distinct manner in Lord Shelburne's letter to the then Lords Commissioners of his Majesty's Treasury, dated the 29th April, 1768.

REMARKS.

1766 §§, and also corroborated such his justification not only by affidavits taken in virtue of his Grace of Richmond's letter of the 28th July 1766, for that very purpose, but also by his own letters of the 30th of December 1767 † to Lord Shelburne, in which he most strenuously requests his Lordship, to cause the Commodore to stand forth and prove his pretended accusation, which never was complied with. Of what disorder the Commodore made his exit, Mr. Kirke never could learn, but only that he was on the point of marrying a young Lady of Fortune when Mr. Kirke made such his humble request as aforesaid.

Admitted, but only in the usual and customary way, as it would have been paid to any Consul that might have had the appointment.

Mr. Kirke never saw Lord Shelburne, though he frequently attempted to obtain that honour, for his Lordship was always denied when Mr. Kirke endeavoured at an audience, till on the 30th October, 1768, Mr. Kirke wrote a letter to his Lordship *; in consequence of which he received a card of appointment, and on or about the 2d or 3d day of November, 1768, was the first and only Interview to which Mr. Kirke could ever be admitted; before which Mr. Kirke should not have known his

§§ See the Dey's Letter to the King, of the 20th May, 1766, Appendix (C) page 6, Consul Kirke's Letter to Mr. Secretary Conway, of the 22d of same month accompanying, Appendix (D) page 9, and his Letter to Ditto, of the 20th June following, with the annex's, Appendix (E) page 10 to 39.

† See Appendix (Q) page 63, (R) 68.

* My Lord,

Sunday, 30th October, 1768.

I have been so often at your Lordship's door, and left so many cards without success, nay even my letters unnoticed, that I am persuaded your Lordship's servants are not blameable for this unjustifiable conduct, as surely a personage of your Lordship's high rank and understanding would never treat an innocent man with such negligence and disregard, more especially where the Honour of his Sovereign and the Credit of the Nation, beside the total destruction of an injured innocent family, are so much involved. I therefore hope, and cannot hesitate a moment in being assured, if this should reach your Lordship's hand, that your Lordship will give directions that I may be immediately admitted to an audience.

I am, my Lord, your Lordship's most obedient humble servant,

Right Hon. the Earl of Shelburne.

ROBERT KIRKE.

REPORT.

Inclosed is an extract from that letter so far as relates to Mr. Kirke by which it appears, that Mr. Kirke's full allowance and salary were paid to him from the 14th December, 1765, to the 14th December 1766, when they ceased and were determined.

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† See M

REMARKS.

his Lordship had he met him, consequently could not deliver at the end of the year 1767, or at any other time, an account of his claims or demands to his Lordship, and therefore it was impossible for his Lordship very fully and minutely to examine every particular, or lay the whole case before the King." As to its being stated in the most distinct manner in Lord Shelburne's Letter to the then Lords Commissioners of his Majesty's Treasury, dated the 29th April, 1768, Mr. Kirke cannot possibly observe upon, having never had the honour of reading that letter, or the Extract thereof alluded to in the next paragraph; though Mr. Kirke must own his anxious wish to peruse a letter calculated to induce the then Lords of the Treasury *to pay Three Persons for the same Employment*, to the great distress and disappointment of *One*, namely, Mr. Sampson, and the utter ruin of another, viz. Mr. Kirke; to say nothing of the unnecessarily squandering away the Civil List Money, and the enormous Expences that have since been incurred by such TRIPLE APPOINTMENT.

True it is, that Mr. Kirke's allowance and salary were made to cease and determine as here set forth; but as Sir Stanier does not seem inclinable to assign the true cause of such cessation, Mr. Kirke thinks it necessary to do it; namely, that Mr. Frazer † was appointed Consul in Mr. Kirke's room on the 13th of December, 1766, while Mr. Kirke was acting in his office, and not less than four months before a copy of the frivolous complaint of Commodore Harrison had come to his hands, and while Mr. Sampson was on his passage out, to take upon him the charge of the King's business at Algiers during the Consul's absence. So great seemed to be the hurry they were in, to displace Consul Kirke in all events, that they would not give time for their own official letters to reach him before they had jostled him out by appointing him a successor.

The

† See Mr. Sutton's note at the foot of the next side of Remarks, page 51.

REPORT.

It further appears by that extract, that his Majesty was graciously pleased to allow Mr. Kirke apart from his usual bill of extraordinary to the 14th December, 1766, the sum of 150*l*.

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REMARKS.

The constitution and general practice of this Country equally abhor the condemnation of any man unheard. Mr. Kirke's case however is a melancholy proof, that this, like other general rules, admits of exceptions; for he was turned out of office near 14 years ago, AND HAS NOT BEEN HEARD YET, which has chiefly induced him to arrange these sheets, which, if they answer no other end may at least serve to confute the error of those who have cruelly told his helpless children, that *had it not been for the Imprudence of their Father* they might have been in a happy situation.

This must appear in quite a different light, when Mr. Kirke observes, that on the decease of Baba Ally, the late Dey of Algiers, sundry monies, presents, &c. were distributed and given by Consul Kirke, not only to the succeeding Dey, Mahomet Pasha, but also to his officers, new ministers, &c. as ever customary with the Consuls of all nations in alliance with Algiers on the accession of a new Dey and renewing their respective treaties of peace* and afterwards allowed the Consuls by Government, and for which Consul Kirke charged in an account delivered Mr. Sutton the sum of 300£. (the amount of which he was, and still is ready to verify upon oath) Soon after Mr. Kirke had delivered said account, Mr. Sutton sent a letter or note to Mr. Kirke, dated the 30th of April, 1768 †, returning Mr. Kirke's accounts, and telling him, that Lord Shelburne would not allow them in the manner Mr. Kirke had drawn them out, but only as he (Mr. Sutton) had altered them, and the reason assigned was, because Mr. Frazer was appointed 13th December
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* Read part of Consul Kirke's Letter to Lord Shelburne, of the 20th December, 1766, relative to the case of the Venetians, marked thus “, Appendix (H) page 44.

† Mr. Sutton's compliments to Mr. Kirke; if he will send a Bill of Extraordinaries from 14th December, 1765, to 1766, in the manner Mr. Sutton has corrected the former, which he returns, Lord Shelburne will sign it, and the Bill of Extra Extraordinaries for 150£. As to that from 14th December, 1766, to 1767; Lord Shelburne would not allow it in that manner, as Mr. Frazer was appointed 13th December, 1766, but has wrote a letter to the Treasury to allow him 376£. 2s. 9d½. § being the proportion of the Salary, and Extras to Mr. Sampson's arrival, and 200£. for his voyage home. Whitehall, April 30.

§ Erroneously calculated.

REMARKS.

ber, 1766. On receipt of this letter, Mr. Kirke waited on Mr. Sutton, not only to explain, if necessary, but prove to him the rectitude of the charge, which Mr. Kirke did, when Mr. Sutton replied, it did not avail, for that the matter could not then be altered, as Lord Shelburne had laid the papers before the King in the manner set forth in Mr. Sutton's letter, and that his Majesty had signed the same; that they were gone to the Treasury, and nothing further could then be done in the business; that therefore Mr. Kirke must sign the papers as altered, and returned by Mr. Sutton, or he would not receive any thing, nor was it prudent for Mr. Kirke to differ with the Secretary of State for trifles, consequently Mr. Kirke was then underpaid on this single article by the sum of 150*l*.

Though Sir Stanier Porten would have it understood by the Treasury as 150*l*. graciously given by his Majesty, by way of *bonus*, instead of appearing as the fact really is, that Mr. Kirke, instead of being paid 300*l*. which was justly his due, was curtailed 150*l*. which with 13 years interest thereon is at this time as much Mr. Kirke's right, as the principal and interest due to any man for monies expended, lent or laid out for the use of another.

Every Consul appointed for Algiers is allowed 385*l*. 11*s*. 6*d*. per annum, extraordinaries for the payment of salaries to the Chaplain and Surgeon, and also the dues of Byram and Corban, also awaids at the Dey's Palace, and to the High Admiral and Officers of the Marine, stationary ware, postage of letters, and other necessary expences. And Consul Kirke paid the whole of the Extraordinaries for the year 1767, before and after the arrival of Mr. Sampson, except 200*l*. being the salaries of the Chaplain and Surgeon, who were absent, and consequently Mr. Kirke was intitled to 385*l*. 11*s*. 6*d*. being the remainder of such allowance, deducting those salaries. But supposing Mr. Kirke was to receive no more than a proportion of his Salary only to the time of his quitting Algiers, keeping a table, and acting as Consul (set aside his being four months on his passage, performing two quarentines, and being on great and certain expences before he could land in England

or

R E M A R K S.

or have it in his power to endeavour to get a being, and had he even acted improperly) the amount would be as follows, viz.

1766, December 14th. Proportion of salary from said time to the 17th June, 1767, the day Consul Kirke quitted Algiers, leaving Mr. Sampson there, being 185 days	}	304	18	7½
Ditto of extraordinaries for same time	—	385	11	6
Total		£	690	10 1½

Allowed only, as on the other side, to the end of April, 1767, instead of to the 17th June, 1767, being the day Consul Kirke left Algiers.	}	376	2	9½
Ballance due to Mr. Kirke on this account	—	314	7	4
Total		£	690	10 1½

How then, in the name of reason, could Sir Stanier Porten set it forth in such a manner? or what could induce such a strange calculation to be at first made? It is here necessary to remark, that Mr. Frazer received the whole of the extraordinaries for the year 1767, though Mr. Kirke was justly intitled to them, having paid all the expences of the year 1767, before he left Algiers. And it is further to be remarked, that the 376*£*. 2*s*. 9*d*. ½ allowed Mr. Kirke, was paid him in consequence of Lord Shelburne's letter to the Treasury of the 29th April, 1768, without Lord Shelburne's having inquired the least about the matter, which letter or extract, though particularly mentioned in Sir Stanier Porten's Report, Mr. Kirke has never been able to procure a sight of. In short, Mr. Kirke has been persecuted and ill treated, as he conceives, beyond example, without any fault committed on his part. Nor is he able so much as to guess at the shadow of a reason for such injurious treatment, except a total misapprehension of his case, and the frequent fluctuation of administration about that time, which may have prevented the matter's being rightly understood, and which Mr. Kirke does in his conscience believe to be the truth.

REPORT.

And 200*l*. for his return to England.

And the payment of these three sums was considered in full of all his claims and pretensions.

This is all that is found in this office to have been transacted from Mr. Kirke's first appointment to the Consulship at Algiers.

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REMARKS.

Mr. Kirke gave in a demand of 315*£*. having paid 100*£*. to the Master of the Vessel who brought him home, besides all Port and Quarentine charges, hiring people to navigate the vessel, performing two long Quarentines, the last of which was forty days, in Stangate Creek, and been four months on his passage *, nevertheless he could obtain only 100*£*. which he apprehends to be a sum that had been heretofore allowed to a Consul coming home, but not to one so singularly treated as the unfortunate Consul Kirke was, for by this one article Mr. Kirke was usually upwards of 115*£*. out of pocket; though he has since been credibly informed Consul Aspinwall was allowed 300*£*. for his passage home from Algiers, though neither himself or family were put to the least inconvenience or extraordinary expence.

By whom was it so considered? Surely Sir Stanier Porten cannot mean Mr. Kirke, who on his appointment as Consul to Algiers had a lucrative employment, the reward of 20 years public service, taken from him, quitted all business, and likewise paid as fees for his Commission alone 161*£*. 1*5s*. 6*d*. and in order to support with proper dignity the honour of his country in the station to which he was appointed, soon afterwards necessarily expended near 2700*£*. for his necessary equipment, knowing there were but few things to be got at Algiers for the English, and looking upon it he was settled for life, promotion only excepted.

If this is all that is to be found in the Office, it behoves Mr. Kirke to ask what is become of the several letters ON HIS MAJESTY'S SERVICE that passed between him and the late Earl of Halifax, General Conway, his Grace the *Duke of Richmond*, and the Earl of Shelburne, during his residence at Algiers and afterwards; particularly those of the 30th of December, 1767, written by Mr. Kirke, and containing a full justification of his conduct, in general (and so acknowledged by Lord Shel-

* Read Consul Kirke's Letter to Lord Shelburne, of the 31st October, 1766, Appendix (G) page 41.

REPORT.

Several certificates appear to have been laid before the Lords of the Council, relating to Mr. Kirke's character and behaviour before he was appointed to the Consulship at Algiers, very much to his credit and advantage; which Lord Hillsborough directs me to observe to you, and also that Lord Shelburne, when he quitted the seals, recommended Mr. Kirke in consideration of his merit to his successor, Lord Vis. Weymouth, to be employed whenever there might offer a favourable opportunity.

And in effect, Lord Weymouth, in the year 1769, offered to send Mr. Kirke in the quality of Consul to the Emperor of Morocco; but Mr. Kirke then declined it, and has ever since been out of employment.

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REMARKS.

Shelburne to Colonel Egerton) copies and extracts of all the above letters alluded to may be seen in Appendix (A) page 1, 2, 3 and 4; (F) 40; (G) 41; (H) 43; (I) 46; (K) 48, and 49 with an *; (L) 49; (M) 50; (Q) 63 to 67; (R) 68 to 81; and (U) 91 to 98.

The several certificates, and Mr. Kirke's composure of mind under his present distresses, after upwards of 14 years persecution, plainly indicate that a well spent youth is the best comfort of old age. Mr. Kirke is unfeignedly obliged to Lord Hillsborough for his very humane directions on this head. As to Lord Shelburne's recommendation of him, after what had been transacted against Mr. Kirke by his Lordship, he owns himself under some difficulty to believe; but this he knows, by having it under Lord Halifax's hand, that his Lordship did him the honour of recommending him to Lord Vis. Weymouth soon after his Lordship's accepting the seals of Office, as also what passed between them thereon in the House of Lords, which Mr. Kirke is able to authenticate, having Lord Halifax's letter now by him. And had Sir Stanier Porten represented Mr. Kirke's case with any degree of candor to Lord Hillsborough, certain he is, the report would have been such as would have induced the Lords of the Treasury, through his Majesty's known clemency to his subjects in general, to have rendered that justice to Mr. Kirke, which the nature of his case deserves.

The occasion of Mr. Kirke's reluctantly declining the offer was; first, he was given to understand that he was to allow the late Consul Popham 200*£*. per annum, out of his salary. Secondly, its being an inferior Consulship to Algiers †, from whence, after paying 16*£*. 15*s*. 6*d*. for

† ALGIERS.			L.	s.	d.
Annual Allowance	_____	_____	600	0	0
Extraordinary Allowance for Salaries, Stationary Ware, &c.	_____	_____	585	11	6
Total			1185	11	6
MOROCCO.					
Annual Allowance	_____	_____	400	0	0
Extraordinary Allowance	_____	_____	250	0	0
Total			650	0	0

REPORT.

He is now reduced at a very advanced Age, with a large Family, to a very distressed Situation, and appears to Lord Hillsborough an Object of Compassion.

I am, SIR,

Your most obedient humble servant,

S. PORTEN.

John Robinson, Esq; Treasury.

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REMARKS.

for his commission and upwards of 2700*l*. for the equipment of himself and family, he had been so suddenly and without cause removed, and no satisfaction or recompence whatever offered him, though he had acquitted himself at Algiers with the greatest propriety and honour. And lastly, because the presents he was to carry were inadequate; and that he was to be under the immediate direction of the Governor of Gibraltar, in which case it would have been impossible for him to have done his duty with honour to his King or service to his country; and that he conceives experience has since shewn his judgment to have been right, and that larger presents have been sent out, and as he believes an increase of allowance ordered for the Consul's residing at Morocco.

N. B. Long after the date of this report, and the remarks thereon, viz. on the 5th March 1781, Consul Logie arrived in England, himself and family having narrowly escaped with their lives, after receiving the most degrading insults, such as the Emperor's Alcaides spitting in the face of the Consul, drawing their Attagans or daggers and pointing them at his breast, threatening to stab him, &c. &c. if any credit is to be given to public report in general, which Mr. Kirke is inclined to believe, as he well knows the Reasons of the Disaffection of all the Barbary States, which he is ready and willing to explain to Administration if they would vouchsafe him a hearing thereon.

Truth this is, and melancholy to relate; Mr. Kirke is not only greatly embarrassed in his circumstances, but his family reduced from a state of independance and affluence to the want of common necessaries. A shocking circumstance *indeed*! After reading the several papers referred to, and Mr. Kirke's letter to Colonel Egerton, setting forth particulars †. Mr. Kirke has remained upwards of 14 years, stripped of character and employment, with a numerous family, five of which, viz. three boys and

† See said Letter, Sketch of Case, page 6 to 9.

REMARKS.

and two girls are now (except the eldest boy) without education, change of cloaths, or even proper victuals to keep them alive; with a worthy mother crying over them, in the same wretched and distressed situation. And though now with the father, reduced to the appellation of being an object of compassion, they are only rendered so by being denied that Justice a desperate rioter, a murderer, or even a spy has in this country, namely that of a fair Trial or Hearing, which has hitherto been denied the unfortunate Consul Kirke, as he would in that case, he flatters himself, appear an Object not more of Compassion than Justice.

UPON the whole, Mr. Kirke cannot but conclude that his Case is uncommonly hard; abruptly called home, and turned adrift from his Employment upon a frivolous, idle and ill-founded complaint, shut out from Redress by being denied a Hearing for so many years, during which, several of his best friends, who might have served him effectually, have died, particularly his worthy patron the late Earl of Halifax, who really meant it; the dissipation of his Fortune, occasioned by the cruel suspense in which he has been kept; and to compleat his misfortunes, the total Misrepresentation of his Case by this Report of Sir Stanier Porten, render him at present indeed an object of compassion to all the world. Though he is convinced, that whoever attentively considers the foregoing pages, must see, that the justice * strictly due to him on the score of his public conduct, would soon restore him to that easy competency he once enjoyed, and of which his unmerited misfortunes have deprived him.

Worn out as he is, with Age and long Service in various climates, the solicitude of expectation, the anguish of disappointment, and the anxiety

* Law may reinstate a Man in his Property, or recover his Fame from Detraction: But no Law can recall Time past, or renovate a Constitution broken by Age and Persecution.

SKETCH OF THE CASE, &c. 63

of mind inseparable from such a state, and almost despairing of justice, after so many fruitless attempts to obtain it, he throws himself on the Candor and Benevolence of those few Friends that are yet left him, and whose good Opinion, as he has ever endeavoured to merit, he is still ambitious to preserve.

FIAT JUSTITIA RUAT CÆLUM.

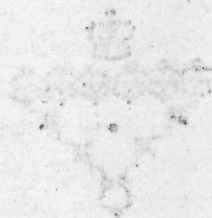


APPENDIX.

82



THE JUSTICE RURAL COUNCIL



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A P P E N D I X.

C O N T A I N I N G

The several Letters, Extracts, Accounts, and other Papers referred to in the foregoing Sketch, viz.

(A)



Copies and Extracts of Letters to and from the Earl of Halifax and General Conway, Secretaries of State, relative to Mr. Kirke's Demand of £347, made Oath to, and also set forth in his Memorial to the King in Council; of which Sir Stanier Porten, though Keeper of State Papers, has not taken the least Notice in his Letter or Report to John Robinson, Esq; dated 27th June, 1780.

Extract of Letter from Consul Kirke to the Right Hon. the Earl of Halifax, dated 26th June, 1765.

" I AM preparing to deliver the presents; in doing which, I shall not fail taking the advice and opinion of the Commodore*.

" The providing the additional presents required and expected by this government, will greatly hurt me, unless some method can be found out to reimburse me, or my salary be augmented: but as the Com-

• Cleveland,

" modore

“ modore and * *Mr. Bruce* are both returning to England, I will say
 “ no more on this head; only beg leave to refer your Lordship to them
 “ for their impartial account; not doubting of relief, when your Lord-
 “ ship shall be made acquainted with the unavoidable expences and many
 “ inconveniences a Consul suffers in this part of the world.”

Extract of Letter from Consul Kirke to the Right Hon. the
 Earl of Halifax, dated Algiers, 7th August, 1765.

“ THE presents I was charged with for the Dey and his Officers
 “ did not give satisfaction to the latter (particularly the watches) not
 “ withstanding the addition I was forced to make thereto out of my own
 “ pocket, and likewise being assisted with two watches by the Comm-
 “ dore, the one a gold chased repeater out of his own fob. But the
 “ Commodore has assured me, he will represent the whole fully and
 “ properly to your Lordship on his arrival in England; when I doubt
 “ not but the paragraph of my last letter relating to the several disburse-
 “ ments made by myself, will have its due weight; and that I shall
 “ be allowed the same, otherwise I shall never be able to recover
 “ the expences of my out-set, the additional presents made by me
 “ together with 69*l.* 9*s.* in cash, demanded of and paid by me as done
 “ at the King’s House upon my arrival here as Consul. The Comm-
 “ dore has an attested copy of the presents actually given by me, as a
 “ the account of the money paid, and to whom, which was done after
 “ consulting the Commodore fully, and having not only his approbation
 “ but desire so to do, as judging it quite necessary and proper to
 “ given and paid at this juncture.

Extract of Letter from Consul Kirke to the Right Hon. M^r.
 Secretary Conway, dated Algiers, 24th August, 1765.

“ I FLATTER myself that the applications made to Lord Halifax
 “ in my letters of the 26th June and 7th August last, relative to the
 “ ditional presents I was under the necessity of making, and the
 “ avoidable pecuniary acknowledgments I was obliged to comply with
 “ on my first arrival here, will meet your consideration, and that I
 “ be allowed for the same.”

Extract of Letter from Consul Kirke to the Right Hon. M^r.
 Secretary Conway, dated Algiers, 9th February, 1766.

“ IN the postscript of your Letter of the 22d August last, you
 “ pleased to mention the receipt of mine of the 30th May and

* See letter from Mr. Secretary Conway to Consul Kirke, dated St. James’s,
 November, 1765.

June; but I am concerned to find no notice taken of the application I found myself under the necessity of making in the last of these letters for some allowance for my extraordinary expences, &c.

Before I conclude I must beg leave to transmit a copy of the awards, or fees, paid by me at the Dey's house, soon after my arrival here as Consul, which together with the additional presents I was at the same time under the necessity of making, amounted to between three and four hundred pounds sterling out of my own private fortune; the particulars of which presents I delivered the late Ambassador, Commodore Cleveland, with a request that he would be so good to represent it on his arrival in England, which he promised me to do, having by Lord Halifax's directions consulted him in the distribution of the whole, and as I have been at these unavoidable expences, and as the melancholy event of the Dey's death has so soon after happened, and I thereby again put to great, though necessary expences, added to my having been twenty-five years in his Majesty's service, will, I flatter myself, be an inducement to you, Sir, to move in my behalf for some mark of the King's favor; assuring you, at the same time, that I shall ever exert my utmost abilities in this or any other employ I may be honoured with, to approve myself a faithful servant of the Crown."

Letter from the Right Hon. Mr. Secretary Conway to Consul Kirke, dated St. James's, 15th November, 1765.

SIR,

CAPTAIN CLEVELAND is but lately arrived, and Commodore Harrisson is not yet come home; so that I can give you no express answer to the reimbursements of the expences mentioned in your three letters of June 26th, August 7th, and 24th. However just reimbursements may be; I do not, I confess, see the propriety of an increase of salary, unless the necessity of a continuance of the expences was also proved, which you do not seem to insinuate to be the case; but I do not at present mean to give any answer, or to make any observations upon the justness or fitness of expences, the particulars of which are not yet before me.

I therefore content myself at present with recommending to you to use your utmost to preserve that harmony and good understanding, which is

* Should have been Consul Bruce: See letter from Consul Kirke to the Earl of Halifax, dated 26th June, 1765, foregoing.

now so happily established between this country and Algiers; and this will be attended with the less difficulty to you, as the new regulations in the passes remove the pretence the Moors sometimes made, and the just cause they perhaps sometimes found to be dissatisfied.

I am, Sir, your most obedient humble servant,
Consul Kirke at Algiers.

H. S. CONWAY

(B)

The following is Part of the late Consul Kirke's Claim to the Government, viz.

GOVERNMENT	To Robert Kirke,	Dr.
1765, July 5th, CASH, &c. paid for the use of Government when Consul at Algiers (as per account on oath, letters to the Earl of Hallifax and Gen. Conway, Secretaries of State, and their answers), viz. to fundry additional presents, &c. provided by Consul Kirke, to make up the Deficiency of those sent out by Government for the Dey, his Ministers, Officers, &c. by the direction of Lord Halifax, his Excellency Commodore Cleveland the Ambassador, &c. and £69 9s. od. paid in money, which is always done by every new Consul on his arrival in Algiers, and afterwards allowed by Government, and which matter Mr. Secretary Conway particularly alludes to in his letter of the 15th of November, 1765, to Consul Kirke, making in the whole	347	9
Interest thereof from said 5th July, 1765, to the 5th July, 1781, being 16 Years, at 5 per Cent. is	277	12
Consul Kirke having, as ever customary, provided fundry presents to the amount of £300 on the Death of Ally Bashaw, and the Succession of Mahomet Bashaw, the new Dey of Algiers, which were all distributed as per list, which he is likewise ready to make oath to, charged the same to Government, but was only allowed £150 by Lord Shelburne, consequently under paid by	150	0
Carried forwards	£774	12

Inter

A P P E N D I X.

	£.	s.	d.
Brought forwards	774	12	0
Interest of said £300 from the 10th February, 1766, the time the distribution of the presents was finished, to the 3d Day of June, 1768, the date of Sir Grey Cooper's letter to the Auditor at the Exchequer, being two years, three months, 21 days, at 5 per cent. is	34	12	3
Interest of £150 from said 3d day of June, 1768, to the 3d day of June, 1781, being 13 years, at 5 per cent. is	97	10	0
Consul Kirke was under paid salary and extras from the 14th December, 1766, to the 17th June, 1767, being the time he left Algiers, as will clearly appear on looking into the vouchers, and likewise the calculations made by Sir Richard Sutton	314	7	4
Interest thereof from the said 17th June, 1767, to the 17th June, 1781, being 14 Years, at 5 per cent. is	220	1	0
Consul Kirke having, by the express desire of the Duke of Richmond and Lord Shelburne, Secretaries of State, hired a vessel to bring home himself and family, charged for the same £315, being rather under what he had actually expended on that service, but Lord Shelburne would only allow him £200, therefore he was under paid on this account	115	0	0
Interest thereof from the 3d day of June, 1767, the date of Sir Grey Cooper's letter to the Auditor of the Exchequer, to the 3d day of June, 1781, being 13 years, at 5 per cent. is	74	15	0
To various expences in collecting papers and proofs for Consul Kirke's justification in conformity to his Grace the Duke of Richmond's letter of the 28th July, 1766, for that express purpose, which cannot at present be ascertained.			
	<u>£1630</u>	<u>17</u>	<u>7</u>

Letter

(C)

*Letter from the Dey of Algiers to His Britannic Majesty,
dated 20th May, 1766.*

WITH the help of God Almighty. The King of our time, King of the Turks and Moors, Friend of the strong people, Defender of the just faith, and King of two seas, King Mustapha, God give him long life. Mahomet Bashaw his servant, Dey of Algiers, to the King of England, Ireland, &c. King of France, and all those seas, greeting. You that are King of Kings, King of England, King of France, King of Scotland, and King of Ireland, most powerful of all Kings, the beloved of my heart, Possessor of crowns; I wish that this letter may meet you in perfect health, and that God Almighty may enlarge the days of your Majesty's life, and keep them always delighted in heavenly music, and all the prosperity this world can afford. Amen.

With the help, and under the protection of Jesus the son of Mary, for my own part, if your Majesty is desirous to know the state of my health, I am, thank God, well, and continue to be the best of your Allies. And now I must acquaint your Majesty, that in the time of the deceased Ally Bashaw, in which time I was *Hafagee*, or Treasurer, we had heard and know that your Majesty's Consul, Robert Kirke, now residing with us, was always acting according to the proper and right way, and said Ally Bashaw loved him very much, and ever shew'd him all the friendship in his power, not only for your Majesty's sake, but for your Consul's also; and whatever he desired to have for the use of the ships of his nation, whether men of war, or Merchant men, said Ally Bashaw allow'd him without restriction, having freed the port of the marine and the market, and ordered them to be opened to all their wants, when your Majesty's ship of war the Centurion was here in November last, when all was free and granted to them without restriction, and they took on board all kind of provisions in very large quantities, till they made an abuse of the indulgences granted; but out of regard to your Majesty, Ally Bashaw then said nothing about it. But George Lawrence, the Purser of the said ship Centurion, having desired the Hogia, who has the superintendency over the cattle, to procure or purchase

chose for him 40 bullocks, he bought them accordingly, but said Purser afterwards refusing to take them at any rate, a dispute arose between them, and soon afterwards a complaint came to Ally Bashaw, saying that the people of Algiers were greatly dissatisfied on account of the people belonging to the Centurion carrying away such large quantities of all things, particularly *Wheat* and *Barley*, and after a strict inquiry being made, finding that the complaints were true, and that such ways of acting were not at all justifiable, said Ally Bashaw issued his orders for stopping the port, and not suffering any more *Grain* to pass; soon after which, the Centurion sailed away. Upon which said Ally Bashaw called your Majesty's Consul, Robert Kirke, to him, and told him what had happened during the Centurion's stay at Algiers; and told him that it was not at all right that the Centurion should carry away such large quantities of all things, particularly *Grain*, and even then to go away dissatisfied; upon which, your Majesty's Consul was found to be intirely innocent, and knew nothing about it. However, he promised, that as so ill an use had been made of the port and markets being opened, he would take care another time that such irregularities should not happen, by no more requesting a free port otherwise than is customary to Consuls of other nations; and that when any English men of war should hereafter come to this place, he would take care to know of their Commanders what they stood in need of, particularly wheat, barley, bullocks, biscuit, soap, oil, and such other things as were liable to be stopt at our gates; and that he would afterwards come to us himself, or send his Drugoman for the same; which is the custom with all other nations at Algiers, for their Commanders to let their Consul know what their wants are before any thing is taken on board, in order to get a permit or order for passing such things as are liable to be stopt by our guards, agreeable to the usage and custom of this place. On the Consul's word we relied, and all was well; but the Centurion returning here again in April last, with an intent as appear'd to commit the like irregularities as before, by endeavouring to pass all they chose; but our guards of the port stopt at the gates the *Wheat* as customary, no application having been made to obtain a permit; and we having talkt with the Consul about it, we found him entirely ignorant of what had happen'd, the Commodore having said nothing to him of his wants, though the Consul assured us he had asked him several times to give him a particular of what he stood in need of, and that he had told the Commodore what had happened in the late Ally Bashaw's time, and
there-

therefore desired the Commodore to let him know what he wanted, in order to procure the necessary permit; but that the Commodore's answer to him was that he was in want of every thing, and that was all the answer he was able to procure from him. Two days after this, the Commodore came up to us, in order, as the Consul told us, to take leave, and go away; but to our great surprize, instead thereof, he brought up with him several Officers, and particularly some of your Majesty's garrison of Mahon, who came with him here and against that good understanding which subsists between us, they fell into high disputes in our presence, without regarding the necessary respect due to our person, said Commodore insisting to do what he pleased without any *Dependance at all, or Regard to our Laws and Customs*. And now, my good friend, I think it right and proper to acquaint your Majesty of all this; and said Commodore further told us, that if all his wants were not supplied, he would go away directly; having a mind to bring up new customs in our country, having never acquainted your Majesty's Consul of his wants, or told him the particulars thereof, which has ever been the custom in this place; as we look on your Majesty's Consul to be the Agent of the nation, and that every thing that happens in Algiers, or is transacted by any English men in this country, good or bad, the Consul is answerable to us for it. And now, my good friend, I must tell your Majesty, that we are not pleased to suffer the least improper thing. And we must likewise assure your Majesty, that we cannot in justice say, that your Majesty's Consul is faulty in the least, having hitherto acted in the proper and honest way, to the entire satisfaction not only of us, but the people of our country also. But we leave every thing to your Majesty's good understanding, and doubt not but all parties will meet their just deserts; and so, my good Friend, I hope orders will be sent to the Governors of Gibraltar and Mahon, and to the Commanders in Chief of your Majesty's ships of war, to prevent these irregularities happening in future. And we are very sorry to tell your Majesty that one of the Officers that attended the Commodore here, took out his pocket book and pencil, and wrote down minutes in our presence, whilst another pushed your Consul's Christian interpreter by, to prevent his speaking, which proceedings were very shameful in our presence, and upon enquiring after their names, we found that which took down minutes was Drummond, an Officer of your Majesty's Train of Artillery; and that which pushed your Consul's interpreter by, is called Turner, a Lieutenant of your Majesty's Ship

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ship the Centurion. And now, my good friend, all that was done we have wrote to your Majesty, assuring your Majesty that your Consul has ever acted in the most upright and proper manner, using his utmost endeavours in his Nation's behalf; and had it not been out of our particular regard for your Majesty's person, and the esteem bore your Majesty's Consul, said Ally Bashaw never would have permitted the Port to be opened to the Centurion for *all* they wanted when here in November last*. And now, my good friend, I do assure your Majesty, that for all the time God permits me to hold the command of this place, all your Majesty's men of war, and all your Majesty's subjects shall ever find all the protection and help in my power, and that any affront offered to any of your Majesty's subjects we shall take it as offered to ourselves; and so, my good friend, I hope that as we love your Majesty, your Majesty will also shew to us a friendly face, because our city is a warlike place and a place of cruisers; and it is likewise necessary to keep our friendship *without Breach of our Laws and Customs*, which we doubt not of your Majesty's approbation; and we on our parts shall ever do our utmost to preserve the friendship in the most solemn and strict manner; so praying God to prolong your Majesty's life, and keep your Majesty in your throne for ever, and praying God likewise for the life of your faithful Consul, Robert Kirke. Amen.

Under the protection of Jesus the son of Mary, we have wrote this letter, the 12th day of the month of Alhagia in the year 1179, which corresponds with the Christian stile, namely the 20th day of May, 1766.

The Place of the Braves, Algiers.

(D)

Consul Kirke's Letter to Mr. Secretary Conway, accompanying the above Letter from the Dey of Algiers to the King.

SIR,

Algiers, 22d May, 1766.

I HAVE the honour to transmit herewith a letter to his Majesty which the Dey sent this morning to my house, desiring it might be forwarded with all the expedition possible; and as the vessel by which I convey it, sails this afternoon, it will be out of my power to transmit you copies of some letters that passed between me and Commodore Har-

* A permission, if Mr. Kirke's information be true, never allowed before, and, in all probability, never will again, though so much mistaken in his Grace of Richmond's Letter, appendix, page 52.

rison,

rison, together with other papers necessary to lay in a clear light before you an *unfortunate Misunderstanding, which unluckily happened whilst Commodore HARRISON was here in the Centurion* *. Notwithstanding which, I can with pleasure assure you, that all things are perfectly quiet, and that I intend myself the honour of writing very fully by the first opportunity, having only time now to add, that I am, with great respect,

SIR,

Your most obedient and most humble servant,

ROBERT KIRKE

Right Hon. Henry Seymour Conway.

(E)

Consul Kirke's Letter to Mr. Secretary Conway (with several Inclosures) relative to Commodore Harrison's Misunderstandings with the Deys of Algiers, &c.

SIR,

Algiers, 20th June, 1766

IN the last letter I had the honour of transmitting you, dated 22d past, I mentioned my intention of sending copies of some letters, &c.

* This expression, notwithstanding the Dey's Letter to the King of the 20th May, 1766 (accompanied the above Letter of Consul Kirke) setting the whole transaction in a clearest light imaginable, and plainly shewing that the misunderstandings were between the late as well as present Dey and Commodore Harrison, and that Consul Kirke had more to do in it than the Reader; yet, Sir Stanier Porten has thought proper in the 5th and 6th Articles of his Letter or Report to *torture* the same into Consul Kirke's acknowledging thereby, that "*an unfortunate Misunderstanding had happened between him and the Commodore.*" Nevertheless, Mr. Kirke flatters himself, few (Sir Stanier Porten excepted) will either think, or believe so, after reading over, with the least attention, the Dey's Letter to the King of said 20th May, 1766, and comparing it with the above Letter from the Consul, dated 22d of said May, both which were received by the Secretary of State at one and the same time, viz. on the 7th July, 1766, as is acknowledged in the Letter signed by his Grace of Richmond, of the 28th July, 1766, and also by the 9th Article of Sir Stanier Porten's Letter or Report; nay, Consul Kirke's other Letter, as promised, which was dated the 20th of June following, is also acknowledged to have been received on the 8th of August, only 11 days after the date of his Grace's said Letter; consequently, the Dey's Letter and Consul Kirke's were both received 21 days before his Grace of Richmond's Letter was dated; and Consul Kirke's other promised Letter, of the 20th June, only 11 days after that, which, amongst other things, set forth what the fundamental Laws and Customs of Algiers were and have been, and it is presumed, will continue as long as that place remains under a Turkish government,

before that passed whilst Commodore Harrison was here with the Centurion, it being impossible for me at that time to get them copied over before the vessel sailed. I shall therefore now take leave to send the same herewith, together with such other Passages relative thereto, &c. which may be necessary for your information, as also for my own justification, hoping to receive such directions for my future conduct (*in case I should have any way erred*) that may entirely prevent such disagreeable circumstances happening hereafter, at least whilst I have the honour of remaining here as Consul.

I am told the Commodore came twice in the late Mr. Bruce's Consulship, and that he each time took with him considerable quantities of such things as he chose, but *not without the Consul's knowledge*, and his Drugoman going to the King's house, as customary, to get leave for passing such of them that were (as is termed here) contraband, that is, liable to be stop'd by the guards at the gates; and no complaints being at those times made to the Dey of any irregularities, all passed smoothly, except such things as happened relative to the misunderstandings between the late Dey and Consul Bruce, which I am told the Commodore then came chiefly to accommodate at the Consul's own request.

The first time the Commodore came in my Consulship, was the 13th November; when he desired I would send to the Dey to request the ports being opened for such refreshments as he stood in need of. This I, apprehending customary, and not in the least imagining any ill use whatever would be made of it, immediately complied with, and sent my Drugoman to the Dey's palace accordingly, when orders were instantly given to pass such things as were for the Centurion; but it being afterwards hinted to me, that they were doing wrong, and taking on board larger quantities of *Grain* than ever had been done before by any English, or man of war of other nations, I spoke to the Commodore thereon; who, instead of ordering its being looked into, replied, he held himself answerable for those things, and that he had 20 horses to feed, his secretary 40 bullocks, and that they had several commissions for their friends in Mahon; and upon my observing to the Commodore, I apprehended the Consul should be apprized of any business the King's Officers might have with the Dey, unless charged with a *particular* or *Special Commission*, and also be made acquainted with their several wants or demands, according to the custom of the place, as this government looked on the Consul as answerable for every thing transacted by the English

English at Algiers, and called upon him for the same in case of any irregularities happening; but all the satisfaction I could get, was, *that the Commodore would come here when he pleased, purchase what he liked, go up to the Dey when he pleased, say what he pleased, and do as he thought proper, without troubling himself in the least, with or about me, for that he knew how far his Commission reached, and should not be advised by me.* I said, I was sorry for that, and thought it very strange indeed. I then desired he would give himself the trouble to read over my commission†, which he did. In a day or two after this, Mr. Lawrence, the Commodore's Secretary and Purser, came into the room where the Commodore and myself were sitting, who, in a sort of hurry and commotion of mind, said, that he found orders were given to stop the market against the Centurion's people purchasing any thing more, or even taking off what they had bought and not sent on board; that the Commodore's pendant was then flying, and it was an insult to the colours. I was much concerned to hear this, and told the Commodore, I would inquire into it immediately; which I did, and found orders had been given by the Dey to prevent the Centurion's people purchasing any more *Grain* in the market, and to stop at the gates what had been bought the day before and not sent on board, and that this order was issued in consequence of a complaint very justly made to the Dey of the large quantities of *Corn* and *Barley* in particular that had been carried on board the Centurion, whilst she lay in this bay. I therefore judged it most prudent to let it pass without saying any thing to the Dey thereon, which I told the Commodore, as also that upon inquiry I was convinced of the *unusual Quantities of Grain* that had been taken on board the Centurion§, but an utter stranger how it came to the Dey's ears, or that any complaint had been made, till after Mr. Lawrence came in,

† The Consul's Commission is always signed by the King and countersigned by the Secretary of State, and directs, amongst other things, "That all His Majesty's subjects coming into Algiers, or any of the Dominions thereof, should own and acknowledge the Agent and Consul General, in and by all due respects and regards to the said trust and employment belonging or appertaining, for and during the continuance of the Commission or Authority to him in that behalf thereby granted as aforesaid." Therefore, the Commodore or any other person whatever, without any *Special Commission* or *Public Business* to transact, was to act as the Commodore did, and declare that he at all times would, any Commission from His Majesty, or any Civil Magistrate being sent to reside in Algiers, would be rendered useless to all intents and purposes.

§ Inasmuch that it raised the price upwards of 50 per cent. to the inhabitants, and nearly caused an Insurrection.

and mentioned the orders that had been issued by the Dey's special commands. However, the Centurion sailed hence the 25th November; and being in hopes nothing of the like kind would ever happen again, I did not chuse to trouble you, Sir, with complaints, when there was any possibility of avoiding it. The old Dey then sent to me, and desired, that for the future when the King of England's ships came here, that I would not expect or desire the Port's being opened to them, but that I would take care to know their wants from their commanders, as other Consuls did, and let him have an account of the same by myself, or Drugoman, if they had occasion for such things as were liable to be stop'd by his guards at the gates; and that he would (not doubting but their demands would be reasonable) direct their being passed accordingly. I assured the Dey I would take care in future that all things should go according to the laws, or uzanza's, of his country; and that I was persuaded all reasonable indulgences would be shewn the English, his Majesty's ships in particular, which the Dey assured me should; and that what was passed was over, and there was an end†. Inclosed (No. I*) you have a list of such things as are always stop'd at the gates without a Chaoux, or Messenger, being sent down on purpose from the King's house to pass the particular quantities wanted, or a tiscary, or license, being produced for that purpose. In a day or two after this, I accidentally heard the true cause of the Dey's issuing such orders relative to the Centurion, which was that Mr. Lawrence, the Commodore's Secretary, having directed 40 bullocks to be purchased for him, the Hogia, or Scrivan, who has the superintendancy over the cattle, having procured the same, Mr. Lawrence, upon viewing them, refused to take them, urging they were bad cattle, and very lean, which I dare say might be the case, as the Centurion was here at the time the cattle were always in the worst condition; for after the violent heat of the summer, the herbage is burnt up, and the cattle grow very indifferent; but the minds of the lower class of people in this place, being rather maliciously inclined when any thing crosses them, or goes contrary to their will, are too apt to study revenge; and therefore the Hogia, having these cattle returned on his hands, without considering whether it was reasonable or not, sought his revenge by causing a complaint to be made

† Then why should Consul Kike have complained sooner, as his Grace of Richmond observed in his Letter he ought; when the Consul knew the fault was on the side of the Commodore, and the matter appeared to be set to rights with the Dey?

* Vide Appendix, page 17.

‡ An officer of influence in Algiers.

to the Dey, of what, though not justifiable in the Centurion's people, was no business of his. This occasioned much misunderstanding before the true cause was really discovered; as I did not know the *real* reason myself how the complaint came to be made, till after the Centurion was failed. However, it did not end here; for the Commodore returned again the 10th April last, and the like irregularities relative to *Grain* in particular, beginning, I found myself under the necessity, though the Commodore was with me, to write him a letter thereon, dated 16th April, 1766, a copy of which, together with his answer and my reply (No. II||) are here inclosed. Soon after which, viz. on the 18th, the Commodore took leave of the Dey, and failed without taking any further notice of my reply to his letter; and sorry I am to say, that many things passed before the Dey, when the Commodore did take leave of him, which I sincerely wish had never happened; such as taking down minutes in his presence; having my Interpreter push'd by to hinder his speaking; and many other disagreeable circumstances, all which I protested against before the Dey, and afterwards apologized to him for; which the Dey perceiving was out of my power then to prevent, very obligingly replied, he saw I could not help it; that he liked me very well, and that I had hitherto conducted the affairs of my nation better than any Consul he could remember, and on that account he should be the more ready to serve my countrymen upon any future application of mine.

The Commodore returned here again on Monday the 9th instant but would not give me the least information upon what he came; and never produced, even before the Dey, any order, or letter, from the King, the Secretary of State, or Lords of the Admiralty, which the Dey, together with his Drugoman (who has been in that employment upwards of ten years), was much astonished at, and could hardly be made to think the Commodore had really any orders at all †; more especially as every satisfaction and concession had been made on the part of the Dey, that could well be asked prior to the Commodore's coming, unless Benzerzo's life had been demanded, which I did not think myself any way authorized to do without the King's special direction for that purpose. As which I had wrote home in my letter of the 21st of April last; and also communicated the same to the Commodore before he went up to the Dey, as will appear by the inclosed narrative, (No. III*). The Commodore failed the 10th, and all things returned to their usual state

|| Vide Appendix, page 18. † The fact was certainly so. * Vide Appendix, page 18.

serenity, which, I thank God, still continues, without the least shadow of alteration. I am extremely sorry to have been under the disagreeable necessity of troubling you with so prolix a letter, and that I am obliged to make it longer by adding more to it, relative to the *Applications from Gibraltar and Mahon*; but I hope it will serve the good purpose of the Secretary of State being never more troubled on these disagreeable subjects, and that of my receiving instructions for my future government, and fixing all things on such a footing, as will prevent any commotions of the like kind happening hereafter, to any Consul that may reside here.

I must now beg leave to refer to the returns made of the imports and exports in my letter of the 24th of April last; by which it will appear, that Pasqual Scarnichia and James Scarnichia, both commanders of large ships, entered this Port from Gibraltar, on the 3d of August, 1765, with very cautious and judicious letters of recommendation from Governor Cornwallis in their favour: the consequence of which was their sailing the 6th following for Arzew, on this coast, for grain, on the Dey's account, for Algiers; that they returned again the 12th of September following, landed the corn and barley, and sailed again for Arzew the 2d of October for two other loadings, *for the Use of the Garrison of Gibraltar*. A copy of Governor Cornwallis's letter to the Dey and myself, and my answer thereto (No. IV||) are here inclosed. It also appears by said returns, that the Settee, Three Friends, Francisco Dodero, Master, entered this Port from Gibraltar the 23d of February last, with a letter from General Irwin to the Dey, the contents unknown to me till after delivery, when it appeared that it was to obtain *Grain*, which the Dey told the Master he could not at that time spare: on which the Master sailed hence the 27th following, carrying with him a letter from the Dey to the General, copy of which (No. V†) is here inclosed, by which two other cargoes of *Grain*, obtained through the interposition of the late Ambassador Commodore Cleveland, in favour of Mr. Cruise*, will appear to have been granted *for Gibraltar*; and what is still more remarkable is, that on the third of May following anchored here, the Brig, Diligence, Gabriel Cardona, Master, from Gibraltar and Carthage, with another letter from said General, the contents also unknown to me till after delivery, requesting more *Grain*, notwithstanding the

|| Vide Appendix, page 22. † Ditto, page 29.

* Who had only his commission thereon.

very supercargo that brought the letter, had actually carried part of the *Corn* lately sent from hence, which was granted at the instances of the late Ambassador Cleveland for the *Use of Gibraltar, to Carthagena*, in the very same brig, under the direction of Mr. Lariviere, a merchant of Gibraltar or Mahon, who was himself the supercargo and owner of said vessel, to supply the Dey's *natural Enemies*, which the Dey himself knew, and had there been a plenty, would have been a very sufficient reason for his being refused to load on this coast.

And now, Sir, notwithstanding the length of this letter, I must beg leave to send herewith a copy of the correspondence (No. VI§) betwixt me and Colonel Townshend, when Governor, or Commanding Officer, at Mahon; and although I rendered every service in my power for that Island, agreeable to his and the Magistrates remonstrances, yet I never have been able to obtain any other answer to my letter of the 9th of October, 1765, to Col. Townshend, than that of the 25th of April, 1766, from Mr Edward Clark, the Secretary†.

As it would be presuming in me to animadvert on any of these occurrences to you, Sir, I shall content myself by only observing, that Commodore Harrison has been here three times in a very short space, for what purposes he will be the best able to render you an account. That I have done my utmost to act properly; that I am not conscious of having designedly erred; that I am both ready and willing to alter in such things that may appear to you wrong; that I wish to have some instructions for my future guidance, having as yet received none, either from home, or my late predecessor Mr. Bruce, who, I am sorry to repeat, left not only this office, but myself in the utmost state of confusion; that I flatter myself I have, in the short space of time I have been here, brought the business of this office (the perplexities I have met with considered) into a tolerable state of regularity; that every thing is now in tranquillity that I stand well with the present Dey, his ministers, and people; that I flatter myself I have done my duty by my King and country; that I shall hold myself in readiness to obey such commands as I may have the honour to receive from you; and, as I have been strangely threatened particularly by the Commodore's Secretary, Mr. Lawrence*, that he would collect affidavits, &c. against me, I doubt not but you will be pleased to communicate the same (if any) to me, that I may have

§ Vide Appendix, page 31 to 39. † Vide said Letter, Appendix, page 39.

* (Now naval officer at Deal), and part of the Commodore's Barge's Crew that took the *Grain*, put into the Custom House as a reward for their diligence.

opportunity of justifying myself, which I hope I shall be able to do, with equal clearness, sincerity, and truth, with which I have the honour of subscribing myself,

SIR,

Your most obedient and most humble servant;

ROBERT KIRKE.

PS. I flatter myself the letters that passed between the Commodore and myself, together with my letter to Colonel Townshend of the 9th of October, 1765, will be perused with attention; as my chief ambition has been, and is, to act properly, and thereby meet the King's approbation, and your good offices.

Right Hon. Henry Seymour Conway.

No. I.

AN account of fundries that are always stopped by the Hogia's, or guards, at the gates of Algiers, whenever they are attempted to be passed without a chaoux being sent from the King's house, on application to the Consul or his Drugoman, or a tiscary, or license, being granted for that purpose, viz.

Wheat.

Barley.

Horses.

Mules.

Bullocks.

Sheep.

Biscuit.

Oil.

Soap.

Flax.

Hides.

Wool, - - -

Wax, and

Fire Arms,

} Entirely contraband.

Canary seed granted to any body, upon application to the Hafnagee.

Algiers, June 20, 1766.

ROBERT KIRKE.

No. II.

No. II.

CONSUL Kirke's Letter to Commodore Harrison; the Commodore's Answer, and the Consul's Reply.

SIR,

Algiers, April 16, 1766

WHEN your ship was here last, the port was opened for all she wanted; but the irregularities that happened during her stay, occasioned the markets being stopped, or shut against purchasing such large quantities, particularly of *Grain*. This then, and afterwards, occasioned me much anxiety and trouble. I then verbally remonstrated to you and I am sorry to say, to little purpose.—These irregularities are again beginning, which lays me under the necessity of requesting that I may be furnished with an account of such *Grain* as is wanting for the use of yourself and officers, which I shall immediately (not doubting but the demand will be reasonable) desire of the Dey forthwith to issue the necessary directions for passing the same, being always ready to do every thing in my power for the good of the service in general, consistent with the office I hold, and the peace I have to preserve with so ticklish and uncertain a State as Algiers is at all times, and in my opinion occasioning greater circumspection than in any other part of the world known to,

SIR,

Your most humble servant,

ROBERT KIRKE

PS. Such as bullocks, sheep, and other refreshments, will, I doubt not, be passed of course; and if any obstacle should arise, I will endeavour to remove it as soon as it comes to my knowledge.

To Commodore Harrison, Algiers Bay.

SIR,

April 16th, 1777

I HAVE received your very extraordinary letter of this date and cannot help expressing my great surprize at the assuming liberty you are pleased to take by saying, the irregularities that happened when your ship (I presume, meaning the Centurion) was last here, occasioned the markets being stopped or shut against purchasing such large quantities particularly of *Grain*. This, Sir, I hold myself accountable for: but it is a reflexion I cannot pass over unnoticed, and must insist upon you immediately explain yourself, more especially so as you take upon you to assert these irregularities are again beginning. You well know

Sir, the Dey was pleased to tell me in your presence, the King's ship should be furnished with every thing I thought necessary; and if you had not known the custom of the place, you might have informed yourself better before you had taken the premature step to submit (by your proceedings) the King's ships, in future, to the common footing of merchantmen, by taking out a license for each particular quantity and specie they are in want of. This indignity to his Majesty's colours, I shall not at present further comment on, but submit it, most probably, to my superiors to be judged of accordingly. I desire to know, Sir, what determination has been taken relative to the vessel brought in the other day, on board which was found English colours, and

I am,

SIR,

Your most humble servant,

To Robert Kirke, Esq;

THOMAS HARRISON.

SIR,

Algiers, April 17th, 1766.

IN answer to your letter of yesterday evening, which I think I could with great justice (not to use the word *assuming*) call very extraordinary indeed.

I take leave again to affirm, that the paragraph of my letter relating to *Grain in particular*, and the market being shut against the Centurion's people when here last, is a matter of fact; and I have the quantities of the several articles shipped on board her, not only in my own time, but also in Mr. Bruce's. I had likewise, more than once, a conversation with the old Dey, upon what was carried on board the last time the Centurion was here, and I am sorry to say that the Dey was much dissatisfied thereat; and the more so, when he called to mind the quantities of *Wheat and Barley* he had at the same time granted by the two tiscaries, or licenses, to load on his coast, *which I myself delivered into your Hands* no longer ago than the latter end of November last.

The fresh irregularities complained of, are, first, a message sent the day before yesterday to the King's house, on account of the Master of the Centurion, unknown to me, for leave to ship a quantity of *Grain* on board the Centurion; upon which the good Dey was pleased to order 40 measures, believing it to be for your use: this, he himself told me. The Master, not content with that, called on me yesterday morning, and desired I would send to the Dey to obtain him leave to put on board 22 Bags more; but as I had not been acquainted with the quantity your-
self

self and the rest of the officers might stand in need of, I did not think it either prudent or proper to trouble the Dey thereon, notwithstanding the dissatisfaction of the Master thereat.

'Tis most certainly true, that the Dey did tell you, and in my presence, that you should be supplied with all kinds of refreshments *upon Application to the Consul*, and so he meant, and it is evident he intended (notwithstanding my Drugoman was taken unknown to me to pass 7 bullocks the day after your arrival); and the Dey soon after ordered, upon an immediate application for 50 more, that 40 should be sent on board; observing at the same time, other men of war seldom took but 20, or 30 at most; but, as this was English, she should have 40 more: *surely a Mark of his good Intentions towards our Nation*. But if you will observe the postscript of my last letter, you will there see I do not conceive there is any necessity whatever, and I am sure there is not, of taking any *Tiscary* or *License* for each particular quantity and specie our *Men of War* are in want of, or any other kind of necessary or refreshment whatever; but the Consul, I conceive, should be made acquainted with their wants; more particularly, should the officers be desirous of taking on board, *Horses, Mules, Barley, or Corn* †; as it is, if my information be right, looked on as a particular indulgence or favour, and, according to the general custom of Algiers, obtained by application to the Consul, and through him to the Dey. However, if I am mistaken, it is entirely owing to the information I have received from the Ministry, my brother Consuls, and others who have resided many years here: this, added to the late Ambassador Cleveland's, having in my presence made a particular request to the late Dey, that no one thing whatever relative to the English nation at Algiers, should be transacted, unless the Consul's particular approbation was first obtained, and that without any limitation or restriction whatever: Mr. Cleveland well knowing the *critical Situation* of this government, and that the Consul *was answerable* for all occurrences till relieved, or an Ambassador should arrive.

And you may rest satisfied, Sir, that I do not mean to *assume*, or take any other liberty than what I think incumbent on me for the honour of the Crown, and the preservation of that harmony and good understanding, which has so lately been restored, and so happily cemented, between the Crown of Great Britain and this State, since I have had the honour of residing here as Consul †; and I am therefore

† Read Appendix, No. I. page 17.

† Read Mr. Secretary Conway's Letter to Consul Kirke, of the 15th November, 1765, Appendix, page 3.

he more concerned to find that two officers of the crown, whose indispensable duty I look on it to be to settle all disputes, should so widely differ in opinions, as you, Sir, and myself, so unfortunately do at present. I am sorry to find my letter is come to this length; and altho' I could add much more, yet I will not take up your or my time much further upon so disagreeable and dissatisfactory a subject, more especially as you are pleased to construe my actions as *an Indignity offered his Majesty's Colours*. 'Twill be well, if in the end it does not appear that some has been offered to *his Majesty's Representative*. As to the colours, it is now become my indispensable duty (set aside my natural inclination) to pay the highest respect and regard to them. I could go on, and fill a volume; but what would a tedious repetition avail, after your telling me you will not further comment, but submit it, most probably, to your superiors to judge of accordingly? To that issue I most cheerfully submit; therefore it will be needless to add more than to assure you, whenever that day arrives, it will be *the most satisfactory I have yet seen*, being conscious of my own rectitude and innocence in every transaction since I have had the honour to serve his Majesty, which has not been much less than 25 Years; and I will venture to say, during all that time, with equal *Honour* and *Zeal* to Commodore Harrison's *Bravery*, and therefore I am the more concerned to differ in opinion with so *gallant an Officer*.

As to the prize you mention, after she was arrived in this Port, I do not as far as my weak judgement leads me) think you have a right *so presumptorily* to call me to an account about it, unless I had found it necessary to apply to you thereon; which I should not have failed doing, had I found it requisite. And I must here observe, that the Secretary of State is the person to whom I am to give an account of these transactions, unless I should immediately see your interposition necessary. And I must say, and repeat it again, that I am apprehensive no Secretary of State would have penned *such a Letter* as I am now answering: however, to draw my attention to his Majesty's service, and in order to give you every satisfaction in my power, the case relative to the prize appears at present to be as follows, viz. 13th of April, 1766, a vessel was brought into Algiers, by one of their cruisers; and by the papers found on board her, it appeared that Capt. Giacomo Mantica borrowed of Mr. Castagnola, in Geneva, 12000 livres, in order to purchase a vessel, which he freighted, on the 16th of October, to Don Luigi Martine de Beltram, in the name, and as a Commissary, of his Catholic Majesty's armies, and his Treasurer

surer at Geneva, to go to Palermo for orders where to proceed to load corn upon the coast of Sicilly, and carry to Spain; who on finding one of the Algerine cruifers nearing her very fast, all the people quitted her, took to their boats, and got off. And notwithstanding the whole appeared so clear, yet I waited on the Dey, and requested that all the papers found on board might be preserved, as also the vessel, and an exact account taken of the cargo, least upon the coming in of the next vessels from Gibraltar, or Mahon, she might be claimed. This the Dey faithfully promised; and the Intendant of the Marine three times apologized for their cruiser's hoisting an English jack at their fore-stay, notwithstanding it is usual for them to do so by such colours as they find on board the vessels they bring in; and this prize, it is presumed, had those colours on board, if possible, to prevent a pursuit, and the *real Ignorance* of the Commander of the Algerine cruiser made him hoist them on board his own vessel, as no colours were hoisted on board the prize.

I hope, Sir, you will think this a full answer to your letter of yesterday's date: if not, I shall hold myself in readiness to give you any other information you may desire from,

SIR, Your most humble servant, ROBERT KIRKE

PS. I could wish to see all things upon a more friendly footing: and if you think proper to let me know the quantity of *Grain, Horses, or Mules* you want to ship on board, I will immediately go to the Dey, and request them. All other refreshments, I believe, are without restriction; if otherwise, I will directly remove the obstacle upon being made acquainted therewith.

To Commodore Harrison.

No. III.

NARRATIVE relative to the Centurion, Commodore Harrison's Arrival at, and Departure from Algiers, between the 9th and 10th of June 1766.

1766, MONDAY, JUNE 9. The Centurion, Commodore Harrison, together with the *Æolus*, the Honourable John Lev. Gower, Captain, appeared in the offing: about 10 they came to an anchor. They had a tender with them, which kept plying off and on the whole day, and, I believe, failed in the night†.

† Had not the affair relative to Benzerzo been finally adjusted before the Commodore's arrival, the Consul was credibly informed the Tender would most certainly have come to an Anchor.

‡ Read way, of the 21st April.

The Garrison saluted with one-and-twenty guns as usual, which the Centurion returned with the like number.

The Consul then went off to pay his compliments to the Commodore, and desiring to know his commands: the Commodore replied, I should know them by and by; and that he wanted to see the Dey, and should come on shore, about half an hour after two o'clock, for that purpose. I told him, a little before two, if he pleased, was the best and most convenient; but whatever hour he chose to fix, I would send to let the Dey know, and doubted not but he might see him at any time. The Commodore replied, he would be on shore between one and two. I then took leave, and returned in the Captain of the port's boat, when the Centurion saluted as usual.

At half after one, I went down to the Marine to meet the Commodore, who, on coming on shore, was saluted with five guns, which the Centurion returned. He brought with him two other Captains, and a great number of Officers, who drank coffee, and eat sweetmeats, with the Admiral at the marine. I then told the Commodore, I should be glad to know his commands with the Dey, if he thought proper; and that I looked upon it as necessary to acquaint him with all that had been done relative to Benzerzo Rais, who brought in his Majesty's Store Ship, the Florida. The Commodore then replied, that what he came about was no business of mine: I should hear that presently. I then told him every particular mentioned in my letter of the 21st of April last, to the Secretary of State †, in regard to Benzerzo's disgrace, &c. in conversation, as we went up to the Dey's house; where, when we arrived, and the usual compliments being over, the Commodore acquainted the Dey he was *sent by the King of England on a particular Affair*; and taking out of his pocket a paper, he delivered it to a Jew he brought with him from Mahon, and ordered him to read it to the Dey in a language the Dey understood, saying that that was the contents of what he came upon. The Consul then said, seeing a paper strangely scribbled on, that if the Commodore pleased, he should be glad to know what that paper was; but the Commodore replied that was not my business, and that he supposed I knew not *that he had particular Orders from his King*: to which the Consul replied, indeed he did not; but if that was the case, it was very well.

† Read the Postscript of Consul Kirke's Letter to the Right Hon. Henry Seymour Conway, of the 13th February, 1766, Appendix, page 108, also the Consul's Letter, of the 21st April following, to the same Personage, page 110.

The Jew, having the paper in his hands (wrote on in Hebrew characters, but Spanish language) desired to know of the Dey in what language he would have it explained to him, whether in Italian or Arabic; to which the Dey replied, in what language he would (the Dey's own Drugoman attending). The Jew then read the paper in the Spanish language, the contents of which were, as near as my interpreters could inform me, as follows, viz.

"The King, my master, sent me here, in order to demand satisfaction for the insolent behaviour of Rais Mahomet Benzerzo, Captain of the privateer, who brought into Algiers his Majesty's Store-Ship Florida: and that said cruiser had afterwards met a schooner, bound from Boston to Lisbon, into which he had fired several musket shot, and likewise took out of her some salt fish, and other things: and that he, the Commodore, was ready to send a man of war to Lisbon, to bring him a particular account of the damages she had sustained; and that he required of the Dey satisfaction for the same. All which he demanded in the King his master's name: and likewise, that orders should be forthwith given to all his cruisers never to commit the like irregularities for the future." To which the Dey answered, that as for Benzerzo's behaviour, he had already, upon the Consul's application, not only dismantled his ship, but likewise publicly broke him at the Marine, and rendered him incapable of serving the State any more, by taking from him the Consul's passports, &c. which he directly sent to the Consul's house: and as to his firing upon the schooner, it was ever known to be the custom of all cruisers to fire at any vessels they meet at sea, when they will not bring to, after firing a gun without ball, afterwards making a smoke; and if that would not bring them to, then to fire shot, which was the present case: but that the Dey would make Benzerzo pay any damage the schooner had sustained, so soon as the particulars came to the Consul's hands: and that the strictest orders had (as the Consul knew already) been issued, and should be again repeated, to all his cruisers, never to commit any the least irregularity whatever towards the English, as they were, and always had been, good friends. The Commodore then said he had *Orders from his King* to come on this affair, and that he was obliged to deliver his message; and that he purposed sailing the next morning, if the wind was fair; and that he took that opportunity of taking leave. The Dey's Drugoman then said, that he had ordered some refreshments for the King's ships, as customary: but the Commodore's answer was, that he was very much obliged to the Dey, *but that he wanted nothing*. The Jew that came with the Commodore, then asked leave, in the Commodore's

ore's name, to have some straw, *Barley* and *Corn*, for their stock; the King's Drugoman then said, that if the Commodore would let him have particular of what he wanted, orders should be given for passing it accordingly; to which the Jew replied, that he himself would let him have it next morning, at the King's House; but upon his saying, that he should come to the King's House the next morning himself, the Dey told him, he must come with the Consul's Drugoman; except for fowls, greens, and such sort of things, as no permit was necessary for them; but in regard to *Wheat*, *Barley*, *Bullocks*, *Sheep*, &c. the Consul must be first acquainted, to prevent irregularities happening. The Commodore, &c. then left the King's House; and when they came to a particular turning which leads two ways, viz. to the Consul's, and the Marine, the Commodore turned towards the Marine, pulling off his hat to the Consul, which the Consul returned, and went directly home, the Consul's Drugoman attending the Commodore.

ROBERT KIRKE.

The next morning the following Letters passed, viz.

SIR, Centurion, Algiers Bay, 10th June, 1766.

I DESIRE to know why the proper salute was not given me when I went off to my ship last night; as you well know I had taken my leave of the Dey.

I am, SIR, your most humble servant,
Robert Kirke, Esq; THOMAS HARRISON.

SIR, Algiers, 10th June, 1766.

IN answer to your letter of this morning, I beg leave to assure you, that I was an utter stranger to your intent of going as this morning, or that you had taken a final leave; nor did I know your intentions of going off, or hear that you was gone, till after that you was not on board, otherwise you certainly would have been saluted, and I would have attended you to your barge. Nay, my Drugoman was with you, and had you mentioned your intent to him, you would have been instantly saluted; but on the contrary, he declares, that some gentlemen at the Marine asked you if you should be on shore in the morning, and your answer was, that you believed you should. I am sorry I did not know your intentions, as this mistake could not then possibly have happened; but if you choose to come on shore again, I will

will attend you, and you will most certainly be saluted as usual at going off.

I am, SIR,

Commodore Harrison,
Centurion, Algiers Bay.

Your most humble servant,

ROBERT KIRKE

SIR,

Algiers, 10th June, 1766

SINCE my letter of this morning, relative to the salute, I have sent my Drugoman to the King's House, and the Dey has given directions for your being saluted, which will be done so soon as my messenger puts this letter into your hands.

I am, SIR,

Your most humble servant,

ROBERT KIRKE

Commodore Harrison,
Centurion, Algiers Bay.

SIR,

Algiers, 10th June, 1766

I BEG leave to acquaint you, that amongst the rest of my servants I brought with me from England, there was one Mary Hunter, that I agreed to give ten guineas a year to, but in case she did not choose to continue with me, or the climate should disagree with her, I would write for another servant, and she should be at liberty to return.

My wife is now very ill, just brought to bed, and two other small children to take care of, which it will be impossible to do without women servants, and there are none to be got here; and as you, Sir, cannot be unacquainted of this being a fact, it will be needless to take up your time any further upon the matter, otherwise than to acquaint you, that your steward has inticed her out of my house with him, attended by most of your ship's company, to assist him, whilst I was down at the Marine upon the King's business. I am told he has got her into the Centurion's long boat, in order to carry her off. I am therefore, not only in my own name, but that of my wife, who will be more distressed in her present condition than is possible to describe, to request and desire that you would not suffer such an act of violence to be committed by any of your people, or permit her to go on board, or at least to be taken away by any of your Squadron.

I ha

I have no objection to her returning to England, or going where else she pleases, so soon as I can get another woman servant in her place; and will forthwith write not only to Mahon, but to Marseilles, Gibraltar, and England for that purpose, when I will discharge her, and procure her a free passage to go where she likes.

I hope you will be pleased to put a stop to these irregular proceedings. And as your steward had got her into the *King's* long boat, I did not choose to apply here for stopping her, resting satisfied, that when it came to your knowledge, you would order her on shore immediately, and do every other thing necessary upon the occasion.

I am, SIR,

Commodore Harrison,
Centurion, Algiers Bay.

Your most obedient humble servant,

ROBERT KIRKE.

SIR,

Centurion, Algiers Bay, June 10th, 1766.

I HAVE received your letter relative to Mary Hunton, and am to acquaint you, I shall enclose her deposition * and that of Mr. Turner (my officer) to the Secretary of State, to convince both him and you, Sir, that I am not capable of, or can be guilty of authorizing any irregularities or illegal proceedings.

I am, SIR, your most obedient servant,

Robert Kirke, Esq;

THOMAS HARRISON.

No. IV.

Governor Cornwallis to Consul Kirke,

SIR,

Gibraltar, 18th July, 1765.

I TRANSMIT you inclosed a letter for the Dey of Algiers, which I have under flying seal for your perusal and information; so that there is no occasion of troubling you with a repetition of its contents, and must desire you to close it and deliver it to the Dey.

You will observe, that I have recommended to the Dey the bearer of this letter, Captain Pasqual Scarnichia; and as he is a man of good

* Mr. Kirke has never since heard of any deposition, either of Mary Hunton, or Mr. Turner. The fact really was; the Steward, at the instance of the Commodore, inveigled the girl away under pretence of marrying her at Mahon; but when it was found she could give no useful information against Consul Kirke her Master, she was dropt in England, where Mr. Kirke paid her her wages after his arrival from Algiers.

character,

character, and has occasionally been useful to the government, I hope he will not want your countenance and assistance in any thing that may occur during his stay at Algiers.

I am, SIR,

Your most humble servant,

To Robert Kirke Esq;

ED. CORNWALLIS.

Governor Cornwallis to the Dey of Algiers.

Most Excellent SIR,

Gibraltar, 18th July, 1765.

ON the 10th instant one of your Excellency's cruisers sent into this Port a Spanish Saetia, laden with spart, which was taken off the coast of Portugal. Twenty-six mariners belonging to the cruiser came in the prize; and the commander of them applied to me, in your Excellency's name, requesting me to take care of the prize, and to sell it to the best advantage, which, in order to oblige your Excellency, I consented to, though it is very unusual for the Governors of this place to concern themselves in buying or selling prizes or any other sort of merchandizes. The vessel and cargo sold for fifteen hundred and ten dollars this currency; and I am told by persons of knowledge and experience, that they have sold for their full value; and this sum, without any deduction for commission, auction, fees, or other charges, or expences whatever, I had ordered to be at your Excellency's disposal; and Captain Pasqual Scarnichia, of the Ship called the Great Britain, had very civilly offered to take the twenty-six mariners on board his ship, and to carry them to Algiers, the Cruiser being supposed to have returned thither; but just as they were embarking, I received a letter from Sidy Pentalep, your Excellency's Agent at Tetuan, acquainting me, that the cruiser was there, and desiring the people to be immediately sent over, and that the money for which the prize sold might be deposited in the hands of Abraham Paricute, of this place; I have therefore ordered the people to be embarked for Tetuan, and the money to be paid to Paricute. This Captain Pasqual (the bearer of this letter) is the same person who carried up the mariners belonging to your Excellency's cruiser which was driven on shore by the Spaniards, near Tetuan, the last year; and as he has shewn such readiness to serve the State of Algiers on those two occasions, without any advantage to himself, I beg leave to recommend him to the protection and favour of your Excellency in any business which he may have to transact in your parts.

I hope

I hope your Excellency will be persuaded of my sincere desire to serve and oblige the State of Algiers on all occasions, as well as of the respect and attention with which I have the honour to be,

Your Excellency's most obedient and most humble servant,

ED. CORNWALLIS.

Consul Kirke to Governor Cornwallis.

SIR,

Algiers, 7th August, 1765.

I was honoured with your Excellency's letter of the 18th July last, inclosing one under a flying seal to the Dey by Captain Pasqual Scarnichia, of the Ship Great Britain, who, with his son in the Ship Success, arrived here the 3d instant; and I beg leave to assure your Excellency, that I lost no time in the delivery thereof. The Dey assured me of his sense of the regard and attention you had not only in this instance, but at all times been pleased to pay him. He said, he would answer your letter; and instantly employed the two ships, which sailed hence for Arzew the 6th; and I am apprehensive he intends them some further token of his favour.

As I hear your Excellency is upon your departure for England, it would be needless for me to make your Excellency any offer of service here; and shall therefore conclude with wishing your Excellency a safe passage to England, and assuring you how much I am,

SIR,

Your Excellency's most obliged

and most obedient humble servant,

ROBERT KIRKE.

To his Excellency
General Cornwallis.

No. V.

Letter from the Dey of Algiers to General Irwin, Lieut.
Governor of Gibraltar.

From our Palace in Algiers, the 17th day of
our Ramadan, which corresponds with the
26th day of February, 1766, according to
the English Stile.

Esteemed Friend,

WE have received your Letter by the Patron Dodero, and note
our attention to our interest, for which our best services have never been
wanting;

wanting; but the scarcity of *Grain* at present is so great, that prevents us granting you any *Supply* by this vessel; so soon as the crops are got in, and there is a sufficiency to assist our *Friends* and *Allies*, we have assured your Consul residing here that the *Garrison of Gibraltar* shall have the preference. Our late predecessor, of glorious memory, who died the 2d instant, did, upon the representation of his Excellency Governor Cornwallis, grant a *large Supply* both of *Corn* and *Barley* for your *Garrison* in the two following vessels, namely, Ship *Great Britain*, Pasqua Scarnichia, master, and Ship *Succes*, James Scarnichia, master; both of whom sailed hence 2d October last; but we are sorry to hear, contrary to our intent and meaning, that the *Grain* was transported to our *Enemies*, instead of being carried to *Gibraltar*; and that it was sent to *Cadiz* and *Lisbon*; how that happened we hope you will be pleased to inquire into, and let us know through the Consul residing here; and we rely on you to have the offending parties properly punished. Our predecessor also granted two other loadings to Mr. Simon Peter Cruise English merchant, of this place, to be transported to *Gibraltar*, upon the representation of the late Ambassador Commodore Cleveland, which said Mr. Cruise assures us, were actually sent to *Gibraltar* for the use of the town, *Garrison* and inhabitants there. These were *large Supplies* and all lately granted, and have in some measure occasioned the present scarcity.

Before we conclude we must mention to your Excellency, that we have been informed your Captain of the Port, Mr. Leeds Booth, whom we have intrusted with the care of some of our concerns, has not made the most of one of our prizes lately brought in there; we therefore request your good offices in inquiring into that matter, and causing justice to be done us in future, which we shall on all occasions be ready to acknowledge. We note your recommendation of your secretary; and praying God to take you all under his protection, we remain your affectionate friend,

MAHOMET BASHAW,

Dey of the Warlike City of Algiers

We sincerely condole with you, upon your late accident, and are informed it chiefly fell amongst the Jews.

SIR,

Algiers
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SIR,

Algiers
No. V. any service

No. VI.

Colonel Townshend's Letter and Certificate relative to *Corn*, received 12th August, 1765, by the *Snow Providencia*, Anthonio Camps, Master, directed to the Ambassador Cleveland, and in his absence, to the Consul.

SIR,

Mahon, 30th July, 1765.

FROM the promising prospect of your settling the affairs at Algiers on an advantageous footing for this Island, I have ventured to send another vessel for *Corn*, with a certificate, which the Master will deliver to you with this; and I trust, you will use your influence with the Dey, for if we should not receive some assistance from thence, the price of *grain* will rise immediately. I am, with great respect,

SIR,

Your most obedient and humble servant,

THOMAS TOWNSHEND.

Mahon, Island of Minorca, 30th of July, 1765.

BY Colonel Thomas Townshend, Commander in Chief in the Island of Minorca, &c. &c. &c.

I do hereby certify, that the *Snow Providencia*, burthen about sixty tons, Anthonio Camps, Master, is sent by her owners to Algiers for *Corn*, for the use of his Britannic Majesty's subjects of this Island.

Given under my hand and seal this 30th day of July, 1765.

THOMAS TOWNSHEND.

L. S.

W. Spry,
Secretary.

Colonel Townshend's Letter to Consul Kirke, inclosing a Certificate relative to *Corn*, received 12th August, 1765, by the Brig, *Virgin de la Merced*, Juan Manjulet, Master.

SIR,

Mahon, 5th August, 1765.

I TAKE this opportunity to congratulate you on your arrival at Algiers, and to assure you, Sir, I shall be very happy to render you my service in my power.

The

The Ambassador having been so obliging as to press the Dey to permit such vessels to load with *Corn* as brought a certificate from me, that they were employed to bring the *Corn* hither for the use of his Majesty's subjects, and he having at that time little or no doubt of obtaining that permission, I venture to send you another certificate †; but as I have not as yet been made acquainted that such permission has been obtained, I must leave to you, whether to present the certificate or not, as it may not be proper to present it in case the permission has not been granted by the Dey.

I conclude the Ambassador has left Algiers. I beg my compliments to Mr. Bruce. I have the honour to be, SIR,

Your most obedient and most humble servant,

THOMAS TOWNSHEND

To ——— Kirke, Esq;

His Britannic Majesty's Consul at Algiers.

Mahon, Island of Minorca, 5th August, 1765.

BY Colonel Thomas Townshend, Commander in Chief, &c. &c.

I do hereby certify, that the Brig, *Virgin of Merced* and *Carmen*, is sent by her owners with a cargo for Algiers, and that they propose (with permission of the Dey) to load with *Corn* for the use of his Britannic Majesty's subjects in this Island.

Given under my hand and seal, this 5th day of August, 1765.

THOMAS TOWNSHEND

L. S.

W. Spry,
Secretary.

Colonel Townshend's Letter to Consul Kirke, relative to *Corn* received 22d August, 1765, by the Vulture Sloop of War Capt. Robinson.

SIR,

Mahon, August 18th, 1765.

I WROTE to you the 5th Instant by a vessel bound to Algiers and which proposed to return hither with *Corn*, to which end I gave her a *proper* Certificate; but as I have not as yet received any account

† No such application was ever made by the Ambassador Commodore Cleveland, at least that ever came to Consul Kirke's knowledge; for had any thing of the kind happened Mr. Kirke would certainly have been informed of it by his Excellency before his departure

new affairs are settled, I should be much obliged to you if you would let me know, by the first opportunity, at least, such as concern this Island; and must request your good offices towards us: for the having permission to buy CORN in the Dey's Dominions, for the use of the Island, is of very great consequence at this juncture, as I have fully explained in my letter to the Ambassador, which I make no doubt you have seen*. I have the honour to be,

SIR, your most obedient humble servant,

THOMAS TOWNSHEND.

To Robert Kirke, Esq;

His Britannic Majesty's Consul, at Algiers.

Colonel Townshend, Commander in Chief at Mahon's Letter to Consul Kirke for CORN, &c. received 24th September, 1765, by the Sanctissima Trinidad, Oliver, Commander.

SIR, Mahon, September 13th, 1765.

THE magistrates of this place having presented a memorial to me, desiring that I would again apply to the Dey of Algiers for his permission to the Mahonese to buy CORN in his Dominions, I have wrote to the Dey, and sent him the Magistrates Memorial.

Mr. Bruce put in here by a contrary wind, and gave us very little hopes of our getting any CORN from the Dey, for that though the Dey was very well disposed towards the English, yet the exportation of CORN was notoriously known to be monopolized by the Dey's favorites, and even sent by them to Cadiz, and other ports of his enemies.

Mr. Cleveland wrote me, that the Dey had promised him this Island should never want CORN while he had any in his country; it is therefore a matter of some surprize, that the vessels which I have sent over on purpose for CORN, should have returned without any; and that Mr. Cleveland has not acquainted me with the reasons for refusing them to load, after having led me to expect, that permission would be granted for all such vessels to load as brought *Certificates* from me.

I have acquainted the Secretary of State with my application to the Dey, and to Mr. Cleveland, as likewise with the purport of Mr. Cleveland's letter to me, that no imputation of neglect might fall upon me.

* No such letter ever came to the knowledge of Consul Kirke.

I must

I must recommend your utmost exertion to assist us with your influence with the Dey, and should you not succeed, that you will try what can be done with the monopolizing gentlemen, and whether they will enter into any contract with the magistrates or merchants of this place.

James Oliver, the Captain of the Tartan La Sanctissima Trinidad, will deliver this to you, and beg your advice and assistance. I have the honour to be,

SIR, with great respect,

Your most obedient and most humble servant,

THOMAS TOWNSHEND.

To Robert Kirke, Esq;

His Britannic Majesty's Consul, at Algiers.

Extract of Consul Kirke's Letter to the Honorable Thomas Townshend, Esq; Commander in Chief at Mahon, relative to *Corn*, for the Island of Mahon, sent by the Sanctissima Trinidad, Oliver, Commander.

SIR,

Algiers, 4th October, 1765.

" NOTHING but the want of a conveyance could have made me so long delay acknowledging the receipt of your several favors of the 5th and 18th August, and 13th September, with which I find myself honoured. I return you my sincere thanks for your kind congratulations, and shall be always happy in rendering you any service in my power.

" Intirely a stranger to the result of Mr. Cleveland's applications to the Dey in regard to the granting a supply of *Corn* for the service of the Island under your Command, I have been greatly at a loss how to act in an affair of so delicate a nature as this appears at present to be here; delicate, because as far as I can find, tiscaries, or licenses, are hardly ever obtained directly from the Dey but by dint of mere favour and interest, and as I have been informed, large presents are frequently distributed to obtain them; delicate also to me, because I am so lately come amongst them, not quite settled, and as yet in some measure unknown to many of the leading people; added to this, it is notoriously known, that my predecessor, Mr. Bruce, obtained a loading for the immediate use of his Majesty's *Garrison of Mahon*, yet it was, I know not by what accident, sold at *Majorca*, which occasioned great disgust here, and

" I be-

I believe a good deal contributed to his removal; and I can further assure you, that at an audience I had with the Dey not long since, on whom I waited on behalf of an English merchant, who was actually in possession of two licenses that had been given him at the special instance and request of Mr. Cleveland; notwithstanding which, soon after he was failed, the person had a message sent him to return the licenses, and quit the country, without a satisfactory reason being assigned; this I thought strange, but so it was; and the Dey told me at the same audience, he had neither *Wheat* nor *Barley* to spare.

“ From these circumstances many might have plausibly declined any further applications in the *Corn* way, but apprehending by your last letter to me, that his Majesty's subjects were in real distress, I instantly waited on the Dey, and renewed my solicitations to him; and got your letter, by Captain Oliver, properly and distinctly explained to him, making at the same time the most efficacious representations possible, which I have the satisfaction to acquaint you had so far the desired effect, that the Dey said he would consider of it, and let me know the next-day, which I suppose was to give him time to consult his *Divan*; the result of which was, that leave was granted to Captain Oliver to load at Arzew. I must here observe, that the captains in general who come from Mahon behave very badly, by neglecting to come to me so soon as their ships are in safety, and produce their passports, manifest of their cargoes, and other necessary papers, and also to deliver their letters, &c. This may in some measure have been occasioned by my predecessor's being a good deal at his garden, and leaving the management of the public affairs to a Mr. Forbes, whom I did not think proper to continue with me. Captain Oliver in particular detained my letters till the next day after his arrival, and when he did come to me, said he had a letter from you to the Dey, which you had *expressly* directed him to deliver into the Dey's own hands himself. I cannot but take notice, that when the *King of Great Britain* writes to the Dey, the *Secretary of State* always transmits *his Majesty's Letter* to me, with a copy for my information before I deliver the original. However, I went up immediately with Captain Oliver to the Dey, and acted as above. As to Mr. Bruce's observation in regard to *Corn being monopolized*, I will not as yet take upon me to determine;

“ termine; all I at present know, is, that of two persons Mr. Cleve-
 “ land interfered about, the one (though a useful man to the Dey) has
 “ not as yet obtained his license, and the other has been used as before
 “ related, even after he had (as he tells me) freighted vessels for re-
 “ ceiving the corn.”

Consul Kirke's Letter to the Hon. Thomas Townshend, Esq.
 Commander in Chief at Mahon, relative to *Corn* obtained for
 the use of that Island, in the Sanctissima Trinidad, Oliver
 Commander.

SIR,

Algiers, 9th October, 1766

SINCE my last to you, of the 4th instant, I have the pleasure
 to acquaint you, that the Dey sent to my house his tiscary, or licent
 for Captain Oliver's loading *Wheat* at Arzew on this Coast, that it w
 pen'd in the amplest form, and that I instantly sent for Captain Olive
 and delivered it into his hands.

It was brought me by a Chaoux, an officer generally made use of
 to carry messages for the Dey, who on my offering him a Sequin (be
 told he would expect a fee) further demanded of me some acknowle
 ment for the Scrivan, or clerk, that wrote the permit; but as I was a
 loss what to send him, and as these expences regarded Captain Oliver
 referred the Chaoux, the Drugoman, and others that thought themse
 entitled to fees, to said Captain; upon which the Chaoux threw do
 his Sequin, saying, unless they were all satisfied, he would accept
 thing himself, and went away much displeased: but I suppose Cap
 Oliver will adjust these matters properly before his departure, wh
 he tells me, will be to morrow.

This Government, well informed of the advantages accruing fr
 these grants, and likewise the loading, mentioned in my last to
 been sold at *Majorca* instead of *Mahon*, which was actually requeste
 Mahon, are too apt to throw on the Consul the blame of covering
 lucrative views by some sinister means, which fails not to make
 odious amongst them.

I am therefore under the necessity, before I make any other atte
 in the *Corn* way, to request of you for my information and governm
 and that I may be better enabled to act properly, and enforce thes
mands or Requests of your's relative to *Corn* with the Dey, to know
 is done with the *Corn* after it is brought to Mahon, whether it is de

ed to the King's Commissary, and issued to his Majesty's troops at the price it is obtained on this Coast for (charges of freight, &c. added); or whether any private people, and whom, reap the advantage thereby; for if it is the former, I shall be at no loss what to say to the Dey, whenever your representations come to hand, resting satisfied they will be *properly founded*; but if it is the latter, I cannot think I am doing right to urge the matter in the *King's Name*, to enrich *private People*; for if so, the monopoly would be on your side and not here; considering, that at the present price of grain on this Coast and at Mahon, near *one Thousand Pounds* are to be got upon a cargo of *six Thousand Measures*, and so in proportion. This, Sir, as I mentioned before, the leading people here know full well, and look on it as immediately for the service of the *King of Great Britain's Troops* at Mahon, if otherwise, that I reap a considerable advantage therefrom, or that I should not be so urgent in the matter.

The bearer, Captain Oliver, pretended to have had your *special* order to deliver your letter to the Dey *unknown to me*; which, if he found not sufficient to procure him his loading of *Corn*, then he was to deliver me the letter you wrote me *on his Majesty's Service*: this, Captain Oliver asserted; which I own I cannot conceive to be true, as it would appear excessive strange, nay even injurious to me, that it should be left to the option of a Mahonese Patron, to deliver or not, *at his pleasure*, a letter wrote to me on the *King's immediate Service*, by the Commander in Chief of one of his garrisons, which makes it absolutely necessary that you should be made acquainted therewith.

I must beg leave further to observe to you, that the Dey, upon different occasions, gave Mr. Cleveland and me the strongest assurances, that no other informations or messages whatever regarding the affairs of Great Britain, should be received or relied on, but those that came through *my Hands*, as the *proper Channel*; and that no measures relative thereto should be taken, without consulting *me* previously; which, I suppose, occasioned the Dey's sending the tiscary or license, directly to my house.

Upon the whole, Sir, I have, on this occasion, shewn my zeal; and you will ever find me ready to do my duty by standing forth to the utmost

most of my power in the cause of my King and country ; and ready upon all occasions to convince you how much, I am,

SIR,

Your most obedient and most humble servant,

ROBERT KIRKE.

PS. The purport of your former letters relative to *Corn*, together with copies of this letter, and your answer thereto, *when received*, I intend transmitting to the Secretary of State, that no imputation of neglect may fall on me, as Lord Halifax was pleased to tell me, when his Lordship judged proper to send me here, that he looked upon me as a man his Lordship could *rely on*.

Honorable Thomas Townshend,
Commander in Chief at Mahon.

Consul Kirke's Letter to Lieut. Governor Johnston at Mahon, relative to the obtaining an Answer from Colonel Townshend to the Consul's Letter of the 9th October, 1765.

SIR,

Algiers, 28th February, 1766.

SOME time before your arrival, when Colonel Townshend commanded at Mahon, he was pleased to write me a letter, dated 13th September last ; in answer to which, I wrote him two letters ; the one dated the 4th, and the other the 9th October following : but as he thought proper to answer only that of the 4th, and never took the least notice whatever of that of the 9th, which was by far the most material, I am under the necessity of troubling you, Sir, with a duplicate, under a flying seal, and request the favor, after perusal, that you will be pleased to cause it to be delivered into Mr. Townshend's hands, and use your influence to procure me an answer thereto, as Mr. Townshend's letter to which mine is an answer was directed to me *on the King's Service*. I hope you will excuse the trouble I give you on this occasion, and believe me to be, with great regard,

SIR,

Your most obedient and most humble servant,

Lieut. Gov. Johnston, Mahon.

ROBERT KIRKE.

Mr.

Mr. Edward Clarke, Secretary to Colonel Johnston, Commander in Chief at Mahon's letter to Consul Kirke, in answer to his of the 28th February, relative to Colonel Townshend, &c. received on the 6th instant, by the Brig Thomas, James Thomas, Master, from Mahon.

SIR,

Mahon; April 25th, 1766.

THE Governor received your favour of the 28th of last month, and immediately sent your duplicate of the 9th of October to Colonel Townshend. I am surprized that you should not receive an answer from him; because I find by the register of my office, that Colonel Townshend did send you an answer to your's of October the 4th (which was received the 9th of ditto) dated Mahon, November the 6th, and also an answer to your's of October the 9th (which was received November the 10th) dated Mahon, November 24th, 1765. And Colonel Townshend desires me likewise to inform you, that he is surprized that you should desire a duplicate of a letter, which he is morally certain you have already received*.

The bearer of this is a Mr. Chadwick, a Clerk of the Pay-masters, and to whom the Governor hopes you will shew what civilities you can upon his account.

The last cargo of *Corn* was brought here partly for the Service of the Troops, and partly for the Use of the Inhabitants, but this cargo is destined entirely for the Use of the Troops, and therefore the Governor hopes you will be aiding and assisting as it is for his Majesty's Service†.

I have nothing farther to add, but that the bearer desires some cattle and a few sheep, and that I am, with great respect,

SIR, your most obedient humble servant,

to Consul Kirke, Algiers.

EDWARD CLARKE, Secretary.

S. With regard to the Regulations which Mr. Theodore shewed the Governor at your request, he approves of them, and has ordered them to be fixed up at the Pratic House.

Consul Kirke never received any answer whatever to his letter of the 9th October, 1765.

It is here to be remarked, that the *King's Troops* were victualled by contract; notwithstanding which, Consul Kirke omitted no opportunity of assisting the Subjects of his nation in general, not only in regard to *Corn*, but all other matters whatever, though he never obtained a Grain in his own behalf, nor ever received any particular Favour from Dey, or Government of Algiers.

Letter

(F)

Letter from the Right Hon. the Earl of Shelburne to Consul Kirke, received at Algiers, 18th October, 1766.

SIR,

Whitehall, 1st August, 1766.

THE King having been graciously pleased upon the resignation of the Duke of Richmond, to deliver to me the seals for the southern department, I take the earliest opportunity of notifying the same to you; and am to acquaint you by his Majesty's command, that your dispatches are to be henceforward directed to me; you may depend upon their being punctually laid before the King, and that I shall not fail to transmit to you from time to time such orders as I may have the honour to receive from his Majesty in consequence of them.

I am, SIR,

Your most obedient humble servant,

SHELBURNE.

PS. His Majesty has been likewise pleased to make a farther considerable change in his administration, by the following appointments to some of the principal offices of Government. Lord Camden to be Lord Chancellor. Lord Northington to be Lord President of the Council. Mr. Pitt created Earl of Chatham, Lord Privy Seal. Duke of Grafton, first Lord of the Treasury; and Mr. Charles Townshend, Chancellor of the Exchequer.

Mr. Kirke, or the Person acting as his Majesty's Consul at Algiers.

(G)

Consul Kirke's Letter to the Right Hon. the Earl of Shelburne, in answer to his Lordship's of the 1st August last.

MY LORD,

Algiers, 31st October, 1766.

I was honoured with your Lordship's letter of the 1st August on the 18th instant, by the Brig Nancy, David Masterton, Commander, from Leghorn, and I beg my most humble congratulations upon the contents, and thanks for the information your Lordship was pleased to give me in the postscript thereto of the alterations lately made; but I cannot avoid expressing my great concern and surprize, at the direction in your Lordship's letter, finding thereby, as also by common report, that I am to come home to answer some complaints, made against me by Commodore Harrison when Commander in Chief of the Squadron in these Seas; but as nothing of the kind has yet been signified to me, I shall content myself by assuring your Lordship of my intire innocence in regard to the cause of any complaints that can have been fabricated against me, and that I shall with great chearfulness and alacrity obey such commands as I may have the honour to receive for my future government, hoping to be able to justify myself in every particular.

I am informed by Rear Admiral Vandergen, Commander of one of the States-Generals Frigates, called the Castor, of 36 guns, who arrived here with some presents for this State, that he left Commodore Spry at Gibraltar, who had been very ill there, but was got much better, and going to Morocco, from whence he was to proceed to this place, with Mr. Sampson to act as Consul; and as I can make no doubt of the truth of the Admiral's assertion, I take this earliest opportunity by his ship to forward this letter, to acquaint your Lordship, that all things here remain in the most perfect state of tranquility; and that I shall give every information and instruction in my power to Mr. Sampson, or whoever else may be appointed to conduct his Majesty's service in this Country. But I cannot avoid mentioning to your Lordship, the many expences

pences and inconveniences I have already been necessarily put to, in the short time I have had the honour to reside here, and that there is no getting a vessel to take myself and family home, without writing to Leghorn, Marseilles, or some other Port for that purpose, and they knowing that I must return, would make a most extravagant demand for our passage, and "I am told I could not on any occasion hire a vessel for less than £200. sterling, and even then no help on board in case of accidents;" this, added to the many unavoidable expences I have already been put to, and having lost two children in this Country for want of proper assistance, and the winter season being already begun, in which a passage in a merchant ship would be most dangerous, will, I hope, induce you, Sir, to move the King, my royal Master, whose benevolent disposition, added to his Majesty's being not only the Father of a Family, but his People also, that his Majesty will be graciously pleased to direct one of his Majesty's ships to call here for us, in case it should be inconvenient to Mr. Spry to afford us any assistance, otherwise my sufferings will be too heavy to bear; and therefore I hope that his Majesty will not leave his faithful subject and servant, who has had the honour to serve him upwards of twenty-five years without reproach, thus innocent, distressed in a country like this. I therefore flatter myself, your Lordship's humane disposition will assist me in all excuses necessary on this melancholy occasion, and that your Lordship will be pleased to honour me with an answer hereto; and in the meantime I shall not fail preparing myself to embark at a moment's warning, but will also offer up my prayers to the great Director of uncertainties, that he would be pleased to prosper all your Lordship's undertakings; and that your Lordship would permit me to subscribe myself with all imaginable respect,

My Lord,

Your Lordship's most devoted and most obedient servant,

ROBERT KIRK

PS. I hope my Letter with the Inclosures of the 20th of June last, particularly relative to Commodore Harrison, which I forwarded the 7th July following, has been received.

Right Hon. the Earl of Shelburne.

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Consul Kirke's Letter to the Right Hon. the Earl of Shelburne.

MY LORD,

Algiers, 26th December, 1766.

THE last letter I had the honour of writing your Lordship was dated the 31st October, and forwarded by the *Castor*, a Dutch Man of War, Rear Admiral Vandergen, Commander, who sailed hence the first of November. In that letter, I acquainted your Lordship that all things were perfectly quiet here; and I therein ventured to request your Lordship's good offices, in case I was ordered home, and it should prove inconvenient to Commodore Spry to afford us his assistance, that some man of war might be directed to touch here to take myself and family on board, as it was then rumoured I was to be recalled to answer some complaint made against me by Commodore Harrison, when Commander in Chief in these seas. This indulgence I should not have attempted asking, were I not conscious of my own rectitude and innocence in every particular; and had I been fortunate enough to have been made acquainted on what cause any complaint could possibly have been founded against me, I flatter myself my answer thereto would have proved perfectly clear and satisfactory*, and thereby prevented the great expences and inconveniences it will, if I am really recalled, be to me; nay, the almost total ruin of myself and an innocent family, wholly dependant on my labours alone, must ensue, should I not find relief, set aside the disgrace a thing of the kind happening must of course be to me; however, certain I am, things must have been greatly misrepresented, or nothing of the kind could possibly have happen'd.

* Mr. Kirke has been informed, it is an invariable rule, whenever any Complaint is exhibited against a Governor, Consul, or Person of any degree of Rank, in foreign service, to transmit him a Copy of such Complaint to answer, before he is precipitately recalled. How then Mr. Kirke came to be so unfortunate a victim, he is at a loss to account for.

“ In regard to the English affairs, they in general go on as well
 “ as can be wished; all things remaining in the most perfect state
 “ of cordiality and friendship; but unfortunately for the Venetians, on
 “ the arrival of the San Miquel, a 60 gun ship of theirs, commanded
 “ by Commodore Mark Antonio Bubick, Serjeant Major, Iseppe Mar-
 “ ficii, Captain, who anchored in this Bay the 15th November,
 “ having on board the annual stipend of 10,000 Sequins, which they pay
 “ for their peace, together with Signor Giovanni Commata, going to
 “ reside as Consul at Tetuan, but first appointed to compliment the
 “ new Dey on his accession to the command of this country.

“ The money being landed and paid at the Dey's house, the Consul,
 “ Commodore, and Commata, had their first audience; but not pro-
 “ ducing any letter or present, the Dey asked the reason of his having
 “ no letter, and if there was no present for himself, Officers, &c. to
 “ which Commata replied, he was only directed to pay the money
 “ abovementioned, and to deliver the Prince of Venice's compliments
 “ of congratulation, &c. &c. which he took that opportunity of doing
 “ in the Prince's name, but for letters or particular presents, he was
 “ not charged with either; and that the treaty of peace only mentioned
 “ the payment of the annual sum of 10,000 Sequins. The Dey then
 “ observed, that all other Kings and Princes in alliance with him,
 “ not only wrote, but sent him a token of their friendship; and as the
 “ Prince of Venice took so little notice of him, and the peace having
 “ been concluded between the Prince and the late Dey Baba Ally, who
 “ was buried just without Babazon gate, they might go to him to keep
 “ it, for that he, the present Dey, would break it; and immediately
 “ sent for the treaty, and tore it to pieces. The Dey then ordered
 “ Commata, and the Officers, on board their ship, and directed their
 “ sailing, allowing 40 days before any capture should be made or hos-
 “ tilities committed. This happening in the forenoon, Signor Com-
 “ mata, the Officers, &c. intended dining before they went on board;
 “ but some of the Dey's servants, unluckily, just as the dinner was
 “ ready to be served up, went to the house allotted and furnished by
 “ the Dey for Commata's reception, took away the furniture and kit-
 “ chen utensils, turning the cookeries out on the floor; a Chaoux at the
 “ same time telling them, they were to go off immediately, and sail
 “ directly,

“ directly, which they were obliged to comply with, by getting under way on the 19th in the afternoon; ever since which, this port has been shut, and the vessel by which I convey this to Leghorn, is the first that has been permitted to go hence since the Venetian ship failed, which I have been informed went immediately to Port Mahon, and hired vessels to give the necessary notice of what had happened.

“ These cruisers began immediately to fit out with the utmost expedition, eight of whom are already failed, amongst which was the 20 gun ship lately commanded by Rais Benzerzo, who, sometime since, brought the Florida storeship here; and notwithstanding another Commander had, soon after his dismissal, been appointed, and was actually on board, yet Benzerzo (being much liked by the soldiery in general, I suppose, for his superior dexterity in piratical proceedings) slipped on board just as the vessel was getting under way, in order to take the Command; which the Dey being apprized of, directly sent a Chaoux to order him on shore, which not being immediately complied with, the Dey sent a second message, telling the soldiers unless he was disembark'd directly, the Dey would order the vessel, though under his own colours, to be fired into and sunk; whereupon Benzerzo came on shore, but what is become of him since I have not as yet learned. Soon after which, I complimented the Dey on his exact observance of his treaties, &c. with which he seemed highly pleased, giving every assurance of his attachment to the English in general, and the King my Master in particular.

“ I cannot conclude without mentioning one other circumstance, viz. Don Pavolo Calucci, a person who was much about the last Dey's person, and acted as a physician, was ordered hence on the application of the late Ambassador, Commodore Cleveland, for some irregularities supposed to be committed by him relative to the English, concerning which I am apprehensive he was rather innocent: he therefore ventured, on the Government being changed, to return here again, where he remained some time incog. got in friendship with some of the leading people, pretending to cure blindness, a disorder the inhabitants of this Country are greatly subject to; whereupon application was made to the present Dey for his continuing in Algiers as a physician and oculist, but the Dey soon directed
“ his

“ his leaving the Country, and he sailed hence accordingly on board
 “ the *Madre Helena*, a Danish ship, commanded by Pietre Boy Cla-
 “ sen, bound to Marseilles.

It is now the 26th of December, and no account whatever of Com-
 modore Spry since the arrival here of the Dutch Man of War, the *Castor*,
 Rear Admiral Vandergen, who left Mr. Spry at Gibraltar in Sep-
 tember last, destined for this place, where he told the Admiral he ex-
 pected to be in less than a month from that time. I shall therefore hope
 to be honoured with a favourable letter from your Lordship, in answer
 to the humble request I found myself under an absolute necessity of
 making in my letter of the 31st October last, and the more so on account
 of my little family, and my wife being young with child*, in which cir-
 cumstances I cannot help flattering myself your Lordship will be induced
 to think a passage in a merchant vessel cannot with any degree of safety
 be attempted.

Relying on your Lordship's humanity and assistance, I take leave to
 subscribe myself, with all respect,

My Lord,

Your Lordship's most obedient,

and most devoted humble servant,

ROBERT KIRKE

Right Hon. the Earl of Shelburne.

(I)

Consul Kirke's Letter to the Right Hon. the Earl of Shelburne.

MY LORD,

Algiers, 3d February, 1767

I had the honour of writing to your Lordship the 26th Decem-
 ber last, since which nothing particular has happened, nor have I as yet
 received any account whatever of Commodore Spry, or Mr. Sampson

* Mrs. Kirke was delivered of a girl on board ship in Gibraltar Bay, a short time after
 leaving Algiers. Her distress then, and ill health since, can better be imagined than
 related.

except by a vessel from Mahon, which anchored here the 21st January, the Master of which told me, it was said by Mr. Frazier of Mahon, who was in partnership with Mr. Sampson, that the Commodore was still at Morocco, and that Mr. Sampson did not expect to be at Algiers till March or April next; this, if true, will greatly contribute to my distresses, as a long quarantine must be performed by all vessels going from this country, which, added to the length of the voyage, must occasion my leaving my family behind me, as my wife expects to lay in about the latter end of June: however, nothing shall prevent my making the best of my way to England, as soon after the arrival of any person to relieve me, as it is possible, hoping that I shall be able to justify myself with regard to every complaint that can have been formed against me; and had I been so fortunate to have received a copy of my accusation, I flatter myself, ere this, that my answer thereto would have prevented the fatal consequence this unhappy affair seems to threaten me with.

I will not trespass further on your Lordship's time at present, than to assure your Lordship, that the King's affairs in general go on with the most perfect harmony and friendship; that I shall do my utmost to make all things easy and agreeable to my successor, by rendering him every service and information in my power; that I am in daily expectation of receiving some answer to the several letters I have had the honour of transmitting to your Lordship's office, wherein, as an innocent and distressed subject and servant of the King, my royal Master, I hope, I shall (as requested in my letter of the 31st October last) be permitted to come home in one of his Majesty's ships, particularly, when the situation and circumstances of myself, family, and the part of the world I am now in, are taken under consideration, by a personage of your Lordship's great discernment and distinguished character for relieving the oppressed. I beg your Lordship's pardon for mentioning any thing relative to my private concerns in this letter, but the nature of my case, and the unavoidable expences that have necessarily occurred during the short time since my appointment, particularly in my outfit, the settling myself and family here, and the death of the late Dey, &c. which happening so soon after my arrival, has obliged me humbly to mention the same to your Lordship, and again request your Lordship's interposition in my behalf

behalf, hoping your Lordship will believe me to be, with all imaginable respect and duty,

My Lord,

Your Lordship's most devoted
and most obedient humble servant,

ROBERT KIRKE.

P. S. I hope my several letters of the 20th June,
31st October, and 26th December, have been
received.

Right Hon. the Earl of Shelburne.

(K)

*The Earl of Shelburne, Secretary of State, to Robert Kirke,
Esq;*

SIR,

Whitehall, 2d January, 1767.

I HAVE received your letter of the 11th October*, praying that his Majesty would be graciously pleased to order one of his ships to conduct you home, and have laid the same before the King.

I am to acquaint you, that his Majesty has not thought it proper to grant your request; and must observe to you, that it is not usual to grant to Consuls, even the most approved, the favour of a King's ship, to conduct them to, or from the place of their residence, except it happens that some of his Majesty's ships are going, or returning.—It is therefore his Majesty's pleasure that you should return home without delay†, by such conveyance as you can procure.

I am, SIR,

Your most obedient humble servant,

Robert Kirke, Esq; Algiers.

SHELBURNE

* Should have been 31st October. See Consul Kirke's Letter, Appendix, page 48 to which the above is an Answer.

† Mr. Kirke immediately obeyed the mandate, but has hitherto remained without either hearing or recompence.

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Consul Kirke's Letter to the Right Hon. the Earl of Shelburne.

MY LORD,

Algiers, 5th April, 1767.

IN the last letter I had the honour of writing to your Lordship, dated 26th December, 1766, I gave your Lordship an account of the breach of the peace between this Regency and the Venetians, when Commodore Bubeck was here, who failed, as I therein mentioned for Mahon, where he has remained ever since, dispatching expressees to his own Court, and other parts, but particularly to this place, addressed to their late Consul Capriata, who has been indefatigable in their service, and has just obtained a cessation of hostilities for four months, in which time they hope to renew their peace.

Soon after the commencement of hostilities, several Cruisers failed from this Port in quest of their shipping; the major part of whom were forced back by bad weather, and other accidents, before their Cruises were out; and we have only an account of their having taken one vessel loaded with raisins, and that the Algerine Rais afterwards got into Tunis, but no certain advice of the prize being with him.

Two other Cruisers failed just before the cessation was agreed to; what damage they will be able to do, is as yet uncertain; and three others are just gone out, with positive directions not to commit any hostilities against the Venetians till further orders.

The vessel by whom I convey this letter was instantly dispatched with an exprefs from Mr. Capriata to Commodore Bubeck at Mahon, acquainting him of the Dey's having agreed to the four months cessation; and I am told, though I cannot in this short time be quite positive, that some of the terms are as follows, viz.

The Venetians are to send a vessel with warlike stores, as demanded, upon this Dey's first accession.

To pay 50,000 Sequins in like manner as they did to the late Dey, Baba Ally, when their peace was first settled, and to pay 12,000 Sequins annually instead of 10,000.

The Algerines to make prize of the Venetian cargo, if carried into Tunis; but to give up the mariners, and restore the vessel.

In

In my next I hope to be able to render your Lordship a more certain and circumstantial account of this whole transaction.

On the first of March anchored in this Port a vessel from Mahon, the Master of whom told me, that Commodore Spry arrived at that Port a few days before his departure with Mr. Sampson on board; that the Commodore was so ill that he kept his bed; but that it was said he intended coming to this Port with Mr. Sampson as soon as he was able.

I cannot avoid still lamenting the not having as yet been honoured with any letter from your Lordship, particularly in regard to my getting to England, with my little helpless family, from a part of the world, like this, and the more so as my wife now enters the sixth month of her pregnancy, and myself intirely innocent of any the least fault that could have occasioned this load of trouble and misfortunes, that seem to threaten him, who is, with the greatest respect and duty,

My Lord,

Your Lordship's

most devoted and obedient humble servant,

ROBERT KIRKE

PS. All things here remain in the utmost tranquillity and friendship.

Right Hon. the Earl of Shelburne.

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(L)

Mr. Kirke to the Earl of Shelburne, Secretary of State.

Snow Europa, in Gibraltar Bay,

MY LORD,

12th July, 1767.

ON the 19th April last, Commodore Spry, in his Majesty's Ship *Jersey*, arrived at Algiers with Mr. Sampson on board, who delivered me his Grace the Duke of Richmond's Letter of the 28th July, 1766, inclosing the Extract of Commodore Harrison's Letter of Complaint against me, dated 23d April, 1766. His Grace likewise signified his Majesty's commands for my returning to England to answer the same, and likewise that it was the King's pleasure that I should deliver up the office to Mr. Sampson, and furnish him with every light and information that might be of use to him in transacting the business committed to his charge. In obedience to which, on the 10th May last, I delivered to Mr. Sampson every book, paper, and information in my power; and soon after I had the honour of receiving your Lordship's letter of the 2d January last, which came to hand on the 26th May, I freighted the *Snow Europa*, Simon Bava, Master, to proceed with myself and family for England, where, on my arrival, I flatter myself I shall be able to shew, that Commodore Harrison was greatly misled and much mistaken, in regard to the heavy charge he has judged proper to exhibit against me. But as I hope shortly to appear in person, I will not venture to trespass on your Lordship's precious moments farther than again (notwithstanding the extract of Mr. Harrison's letter of complaint is come to hand) to assure your Lordship of my intire innocence in regard to the several matters of which I find myself therein accused.

The hardships and sufferings this precipitate complaint has occasioned me can scarcely be expressed; and I have only this consolation at present, that the whole affair will, I humbly hope, shortly be laid before his most gracious Majesty by a Personage endow'd with every quality necessary to constitute the good and great, when, I doubt not, of meeting such redress as the nature of my case and sufferings may deserve, having the strongest reasons imaginable, to lament the unfortunate and unhappy situation,

situation, the gall this complaint was fraught with, has plunged me into, as I humbly conceive it greatly contributed to my immediate recall.

So soon as this vessel has performed the usual quarentine, had a few necessary repairs, and taken in her water and provisions, I purpose sailing for England; where I hope to have the honour of laying before your Lordship how much I have been the faithful servant of the Crown and am with the greatest respect,

My Lord,

Your Lordship's most obedient,

And most devoted servant,

ROBERT KIRKE

Right Hon. the Earl of Shelburne.

(M)

Mr. Robert Kirke to the Earl of Shelburne, Secretary of State.

Snow Europa, in Stangate Creek, 8th September, 1767

MY LORD,

THE last letter I had the honour of writing to your lordship was from Gibraltar, dated the 12th July, from which place we failed the 30th following, and have been ever since on our passage, occasioned by contrary winds and bad weather, as the northerly wind prevailed till the 2d instant, when it fortunately shifted to the south west, otherwise we should in all probability have suffered extremely, our provisions and water falling short.

So soon as the quarantine is over, we shall sail for the river, after which I shall lose no time in hastening to pay my duty to your Lordship and render an account of my conduct, which, I flatter myself, will appear

ear in a different light to what it has been represented*. I have the honour to be, with the greatest respect.

My Lord,

Your Lordship's most obedient,
and most devoted servant,

ROBERT KIRKE.

Right Hon. the Earl of Shelburne.

(N)

His Grace the Duke of Richmond, Secretary of State's Letter to Consul Kirke, inclosing the Extraët of Commodore Harrison's Complaint against the Consul to Mr. Stephens, Secretary of the Admiralty.

SIR,

Whitehall; 28th July, 1766.

I RECEIVED your's of the 22d May last, inclosing a Letter from the Dey of Algiers to his Majesty, giving an account of a very expected difference that had arisen between the Commander in Chief of his Majesty's Ships in the Mediterranean and yourself, with regard to the supply of provisions he had required for the Ships under his command.

I am sorry to acquaint you, Sir, that the Lords of the Admiralty had already laid before the King a complaint against your behaviour upon that occasion as transmitted by Commodore Harrison; and it cannot but appear extraordinary, that you should not have given your account of it sooner, as the affair must have happened early in April, and your above-mentioned letter, inclosing the Dey's upon that subject, is dated

Mr. Kirke made every effort in his power, but could not obtain an audience till his Lordship was out of office.

The Dey's Letter to the King of the 20th May, 1766, and the Consul's to the Secretary of State of the 22d following, to which the above was *meant* as an Answer, will fully evince, how much the affair was misconceived when his Grace signed his Name to it.

so long after†. The tenth Article of the Treaty with Algiers, renewed by Captain Cleveland, of the 14th May, 1762, expressly says, “ That
 “ if any of the King of Great Britain’s Ships do come to Algiers, or
 “ any other Port or Place of that Kingdom, *they shall not be obliged to*
 “ *pay Customs in any Sort ; and that if they shall want Provisions, Victuals*
 “ *or any other things, they may freely buy them at the Rates in the Market.**”
 And it appears by the very letter above referred to, from the present
 Dey to the King (of which you yourself have sent a translation) that
 his predecessor had always acquiesced in his Majesty’s ships enjoying the
 benefit of that stipulation, *without Limitation or Restriction†.*

Whatever, then, might be the inducement of the present Dey to op-
 pose the *unlimited Privilege* granted to the King’s ships by this article
 of the treaty, for the time to come ; his Majesty, and his Ministers
 could not but see with surprize, that you had not only submitted to the
 new pretension the Dey has now thought proper to set up, but had even
 taken part with him upon the occasion against his Majesty’s Commodore
 without staying till you had sent an account of it home, and had re-
 ceived his royal Instructions for your conduct in so delicate an affair
 which the least reflexion must convince you it was incumbent upon you
 to have done§.

I am, therefore, obliged to acquaint you, that it is the King’s plea-
 sure you should return to England by the first convenient opportunity
 to give an account of your conduct||, which has been represented as

† The Dey’s Letter explains this matter, which was received at his Grace’s Office
 days before the date of the above letter.

* So they might, in like manner with the Dey’s own subjects ; but neither they,
 any other Power, ever did, or ever will be allowed to carry out of Algiers, such things
 as are contraband, without the Dey’s special Permission, and that cautiously granted by him
 according to the plenty or scarcity of the commodity. All Countries having their fun-
 damental laws by which they abide ; read his Royal Highness’s justification, in the beginning
 of this work, page 36.

† No such thing : read the Letter, Appendix, page 6.

§ This paragraph is so very extraordinary, that the Reader is left to put his own
 construction thereon, after perusing the Dey’s Letter to the King of the 20th May, 1766,
 the Consul’s to the Secretary of State of the 22d following which accompanied it, to which
 Letter is an Answer, and likewise the Consul’s other Letter of the 20th June follow-
 ing with the inclosures, which last was received at the Secretary of State’s Office only 11 days
 after the date of his Grace’s said Letter, and very probably before it was sent from thence.

|| This, Mr. Kirke has ever been ready and anxiously desirous of doing, but has not
 yet been able to obtain that happiness.

less unbecoming towards the Commanding Officer of his Majesty's Ships, than prejudicial to the King's service, as you will see by the particulars of the complaints against you, of which I send you a Copy herewith inclosed, that you may be the better enabled to collect any papers or proofs you may have to produce or alledge in your justification; and in order that the King's business may suffer no interruption or inconvenience thereby, his Majesty has been pleased to appoint Mr. Sampson, who will deliver to you this letter, to manage the business of his Majesty's Consulate at Algiers, till he shall have signified his farther pleasure.

You will, therefore, before your departure, take care to put into that Gentleman's hands every paper, and to furnish him with every light and information, that may be of use to him in transacting the business which the King is pleased to commit to his charge.

I am, SIR, your most obedient humble servant,

RICHMOND, &c,

PS. Your several Letters of the 18th November, 1765; 9th, 12th, 13th, 15th, 26th, 28th February; 15th March; 21st and 24th April last, have also been received.

Since the inclosed Extract was communicated to me by the Lords of the Admiralty, I have received a letter directly from Commodore Harrison, containing the particulars of this complaint against you†.

* Mr. Kirke cannot help again earnestly referring the Reader to an attentive perusal of the Dey of Algiers's Letter of the 20th May, 1766, and also Consul Kirke's two Letters of the 22d May and 20th June, 1766, with the Inclosures.

† This shews the greatest Malevolence in the Commodore by going so far out of his road, the Admiralty being the only proper place for him to have applied to, and their Lordships to the Secretary of State in behalf of their Officer, provided there had appeared any reasonable foundation for the complaint exhibited; and even in that case, it has ever been customary to send a Copy of the Complaint to be answered before the Party is recalled to answer in person.

Extract.

A P P E N D I X.

(O)

Extract of a Letter from Commodore Harrison to Mr. Stephens against Consul Kirke, dated on Board the Centurion at Port Mahon, the 23d April, 1766, inclosed in his Grace of Richmond's Letter foregoing.

“ I PROFIT of the earliest conveyance to acquaint you with my return to this Port from Algiers, after paying my congratulations to the Dey upon his accession to the throne, as having the honour to command in chief his Majesty's Squadron in the Mediterranean Seas, who was pleased to receive me with every mark of respect on so particular an occasion. After the usual compliments were over, I thought it my duty to touch strenuously upon the subject of the Florida Storeship, and how prejudicial the bringing her into the Port of Algiers might prove to the King my Master's service, by rendering the ships in that part of America she was bound to incapable of proceeding to sea for want of those stores she had on board*. The Dey seemed quite sensible of the error the Captain of his Cruiser had committed, and promised he should be punished with all the severity his Britannic Majesty thought proper, to whom he had addressed himself on the occasion†; and that strict care should be taken for the future, to prevent any indignity or offence to the King of Great Britain's Colours.

“ I am now, Sir (in right of the Commission I have the honour to hold, and dignity his Majesty has been pleased to invest me with, as Commander in Chief of the British Squadron in these Seas) under the necessity of laying before you, for their Lordships information, the very extraordinary behaviour of Mr. Kirke, our Consul at Algiers, which, if I were to pass over unnoticed, should think myself unworthy of that respectable corps I have so long had the honour

* Consul Kirke's Services then, on this occasion, must appear to have been of the utmost Consequence to his Country.

† This shews, the matter was intirely settled in Algiers long before the Commodore's arrival. Why then, endeavour to stir up new contention with so ticklish a State?

“ to be a member of. Upon my first visit to the Dey, I demanded as usual the necessary refreshments I, my officers, and ship’s company stood in need of, who was pleased to tell me, in the Consul’s presence, I might command whatever I pleased; and believe, upon enquiry, it will be found, that from time immemorial the *uzanza*, or custom of Algiers, when a King’s ship of any nation arrived there, has been to send a general order from the Dey’s house by an officer they term a *Chaoux*, to pass through the Port whatever her commander thought proper, without nomination or limitation*; but this indulgence, rather let me call it right, Mr. Kirke has thought proper to put a stop to, by avowing that I should not be supplied till he had received a list from me of the things I wanted, that he might go to the Dey’s house, and take out a license for each particular specie and quantity; and if the list did not meet with his approbation, he should curtail such part of my demand as might appear to him too large and unreasonable†. This extraordinary request, their Lordships will easily perceive I could not possibly come into. To give a gloss to this pretext, he asserts, that it was settled between the late Dey and Mr. Cleveland, “ That no one thing whatever, relative to the English nation at Algiers, should be transacted, unless the Consul’s particular approbation was first obtained;” this, I observed, was very possible in respect to the affairs of the nation in general, but I never could be brought to believe Mr. Cleveland intended so great a latitude to a Consul, in preference to that corps he has so long, and deservedly had the honour to be employed in, by making him the superior judge, what was, or was not, necessary for the King’s ships to be supplied with, and subjecting them, not only to the common footing of merchant-men, but a restriction (if my information be right) no ships belonging to a crowned Head had ever experienced before. In the course of conversation with Mr. Kirke, I asked him in what light he looked upon me as commanding officer of the

* No such thing ever was, or ever will be whilst Algiers remains in the hands of the Turks. Nay, the whole of the Commodore’s Complaints against Consul Kirke are a collection of Absurdities throughout.

† Absolutely untrue, as no such conversation ever passed.

“ King’s

“ King’s ships in the Mediterranean ; assuming an air of grandeur, he
 “ said he was the greatest man in Algiers, and was an Admiral to
 “ come there, nothing should go to a man of war, but through him.
 “ Being determined not to give up this point, I waited upon the
 “ Dey, and desired to know why a stop was put to the things I had oc-
 “ casion for, from going on board the Centurion, and why a particu-
 “ lar license, so derogatory to the respect due to the King’s ship, was
 “ required ; when the Consul, without giving the Dey time to speak,
 “ immediately replied, that nothing should be spoke to the Dey but
 “ what he approved of ; and if he had thought I should have entered
 “ upon such questions (which he protested against, as contrary to the
 “ custom of Algiers, which rather implies he came there with intent
 “ to support their privileges in preference to those of his own nation)
 “ he never would have come with me before the Dey, who, together
 “ with the people about him, it was evident from appearances, had
 “ been tampered with on the subject, previous to this meeting, the bias
 “ being given in the Consul’s favor ; which nobody will wonder at, as
 “ it opened an opportunity to the Algerines to prescribe new laws and
 “ customs, which every nation would be happy to do in their own fa-
 “ vour. As I found how affairs were predetermined, I told the Dey
 “ I could not possibly accept of a supply of refreshments through the
 “ channel the Consul (whose superior I thought myself) had not only
 “ prescribed, but insisted upon, and consequently should depart with-
 “ out them ; he replied that we were like brothers, that he did not
 “ know from whence those misunderstandings arose ; and wishing me
 “ an exceeding good voyage, said, he should write to his Majesty upon
 “ on this subject, whose equitable instructions and commands, which
 “ may result from the difference of opinion between me and Mr. Kirke
 “ will establish an unerring rule for his Officers and Consuls to govern
 “ themselves by, with equal propriety and respect to his Majesty’s di-
 “ nity as for the nation’s interest.

“ I am further to acquaint you, Sir, while I was in the Road of Al-
 “ giers, a vessel was brought in by one of their cruizers under Eng-
 “ colours ; Mr. Kirke being then on board the Centurion, I desired

‡ Read the Dey’s Letter to the King, of the 20th May, 1766, Appendix (C) page

would send his Drugoman in the boat with one of my officers to enquire into the circumstances of her being taken. The officer soon returned, and told me, he could not obtain the least reply from the people on board to any question he asked. I was then entering into a further discourse upon this head, when Mr. Kirke, with as little deference to the officer, as politeness to the gentleman at whose table he was sitting, abruptly told me, it was not a matter of mine to enquire into; that he should collect the particulars upon his going on shore, and should, or should not, make me acquainted with them as he thought proper, as his duty was only to correspond with the Secretary of State; but I must do Mr. Kirke the justice to say he was so obliging afterwards, in consequence of a letter I wrote him, to inform me || (in order to shew his attention to his Majesty's service) that by the papers found on board the vessel spoken of, it appeared that Captain Giacomo Mantica, borrowed of Mr. Castagnola in Genoa, 12,000 livres, in order to purchase a vessel, which he freighted the 16th October to Don Luigi Martine de Baltram, in the name, and as Commissary of his Catholic Majesty's armies, and his Treasurer at Genoa, to go to Palermo for orders where to proceed to load Corn upon the Coast of Sicilly, and carry to Spain; who on finding one of the Algerine cruizers nearing her very fast, all the people quitted her, took to their boats, and got clear off; but notwithstanding the whole appeared so clear, he (Mr. Kirke) had waited upon the Dey, and requested, that all the papers found on board might be preserved, as well as the vessel, and an exact account taken of the cargo, left upon the coming in of the next vessels from Gibraitar or Mahon, she might be claimed. This the Dey faithfully promised, and the Intendant of the Marine three times apologized for their cruiser hoisting an English Jack, notwithstanding it is usual for them to do so by such colours as they find on board the vessel they bring in; and this prize, it is presumed, had those colours on board, if possible to prevent a pursuit*.

Read the Extract of Consul Kirke's Letter on this subject, Appendix, page 21.

See Mr. Kirke's answers to the above, Appendix (Q) and (R) pag. 63, &c.

Extra

(P)

Extract of Commodore Harrison's second Letter of Complaint against Consul Kirke, dated Centurion, Port Mahon Harbour, 18th June, 1766, and directed to Mr. Secretary Conway, which was delivered to Mr. Kirke by Mr. (now Sir Richard) Sutton in the Secretary of State's Office, soon after Mr. Kirke's Arrival from Algiers, viz. on the 9th November, 1767.

" I NOW find myself under the necessity of laying before you, Sir,
 " the contemptuous treatment I have too often experienced from Consul
 " Kirke, which nothing but my consideration for his family prevented
 " me from doing long ago, and only a repetition of his impertinences
 " could induce me to have undertaken; at the same time being obliged
 " to say, Sir, that had it not been more out of respect to his Majesty's
 " Commission, than the person of the man invested with it, I should
 " have thought it an everlasting reflexion upon my honour, as an officer
 " and a gentleman, if I had omitted chastising him for his opprobri-
 " ous treatment, the veracity of which (should there be occasion) I
 " can fully demonstrate to you, Sir, from the testimony of Captain
 " Gower of the *Æolus*, my own Officers, and several Gentlemen of
 " the Garrison of Minorca, who at times do me the pleasure of their
 " company in making little tours to the several parts of the Mediter-
 " ranean the service has occasion to call me to; but I hope my *word*
 " of honour will alone be held by you, Sir, a sufficient evidence to the
 " truth of these assertions. Mr. Kirke, Sir, was brought up a *liberal*
 " *gious limb of the law**, and values himself upon having practised

* This illiberal attack on the profession of the law in general, through the person of Mr. Kirke, brings to his mind a circumstance which happened in the year 1746, when an inconsiderate reflexion of the same nature was cast on the late Lord Chief Justice Willes, who, at that time, so worthily presided in the Court of Common Pleas; and though Mr. Kirke entertains too high a deference for the memory of that exemplary Judge, to hint a comparison between him and himself, yet the story appears throughout to be so similar to the progress of Commodore Harrison's complaint, that he cannot help considering it as a case so very much in point, that he could not avoid annexing an extract of it at the end of this work.

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" his talents in that happy occupation with success against almost every
 " man, that business or occasion gave him any dealings with, even
 " against the best friend he has in the world, to whom (to use his own
 " expression) he is indebted for the shift upon his wife's back †; and
 " has more than once found great pleasure in letting me know, how
 " much he got the better in suits at law of three or four Officers who
 " now have the honour to bear high rank in his Majesty's Navy. Par-
 " don these digressions, Sir; I know they never can tend to *influence*
 " or *prejudice* a person of your distinguished understanding and candour
 " for mankind in general, against the object of my resentment, and
 " far be it from me to mean they ever should||, I only propose to shew,
 " Sir, as far as I can, that Mr. Kirke's unprecedented rudeness to the
 " Officer who has the honour to command in chief his Majesty's Squa-
 " dron in these seas, carries all the appearance of intention to irritate
 " him to an unwarrantable act, and, through the irresistible force of
 " passion, drop into the designed snare, and fall a victim with some of
 " his brother officers to this law partisan.

" I shall now proceed to say, Sir, there cannot surely be a greater
 " indignity offered to the King's ships, than an endeavour to put them
 " upon the common footing with merchant-men, who are obliged [to]
 " apply to the Consul at Algiers (in consequence of an ordinance he
 " has lately published, which may be *exceedingly right*) to obtain a
 " Tiscary, or *License*, for each particular specie and quantity of pro-
 " visions, &c. they are in want of *; and it will manifestly appear by
 " what follows, the Consul endeavouring at this point with men of war
 " (much in my opinion to the dishonour of the nation) by asking me for
 " a list of the refreshments I wanted, in order that he might go to the
 " Dey and procure a tiscary to pass them through the Port, notwith-
 " standing the Dey had just before told me, in the Consul's presence,
 " I might command whatever I stood in need of; and I believe upon
 " stricter enquiry it will be found that from time immemorial, the
 " uzanza, or custom of Algiers, when a King's ship of any nation arri-
 " ved there, has been to send a general order from the Dey's house, by

† Too absurd, in regard to his best friend; and too low, as to his wife, to need any
 comment.

|| The Reader will easily determine what other tendency, if they were not designed
 to influence or prejudice.

* An invariable rule of the Place, that never was, and in all probability never will be
 altered.

“ an officer they term a Chaoux, to pass through the Port whatever he
 “ Commander thought proper, without *Nomination or Limitation*†: To
 “ add to this very extraordinary behaviour of Mr. Kirke's, he had
 “ *I must call it, the Impertinence*, publicly to tell me, even to the last mo-
 “ ment, that if I had given in a list of the things I had occasion for
 “ and in his opinion they appeared too large, he should curtail them as
 “ he thought proper. I ever thought it was the indispensable duty of a
 “ Consul to endeavour to enlarge as much as in him lay, the rights and
 “ liberties of his nation*, rather than seeking sinister opportunities to
 “ restrict the freedom it possesses, especially with the State of Algiers
 “ to whom no point should ever be given up, at least, it never shall be
 “ me, while I have the honour to bear his Majesty's commission. As
 “ no inducement whatever could make me deviate so much from myself
 “ and the command I have the honour to hold, by acquiescing with the
 “ Consul's extraordinary request of a list or detail of the things I wanted
 “ which after all was to be limited to his pleasure; I waited upon the
 “ Dey, and begged to know why the bullocks I received on board was
 “ stinted to a certain number, and passed by especial tiscary, or license
 “ and who had been the occasion of preventing the things I wanted being
 “ passed the Port, when the Consul (without giving the Dey time to
 “ speak) replied, he had, and quoted that Mr. Cleveland had settled
 “ with the Dey, “ That no one thing whatever relative to the English
 “ nation at Algiers, should be transacted unless the Consul's particu-
 “ approbation was first obtained.” This, I observed, was very possible
 “ in respect to the trade, &c. of the nation in general, but I never
 “ could be brought to believe he meant so great a latitude to a Consul
 “ in preference to the corps he has so long, and deservedly had the ho-
 “ nour to be employed in, by making him the superior judge, what was
 “ or was not necessary for the King's ships to be supplied with, and
 “ subjecting them to a restriction (if my information be right) no ship
 “ belonging to a crown'd Head had ever experienced before. I still was
 “ pursuing my remonstrances to the Dey on this head, being deter-

† Totally contrary to the fundamental laws of the Country, and which all Deys take
 solemn oath on their accession to prevent.

* This was on all occasions very strictly attended to on the Part of Consul Kirke, who
 obtained what was never allowed the English, nor any other Power before, viz. *a free Port*
for the King's Ship, which singular indulgence was soon put a stop to by the Commodore's
 own irregularities and lucrative proceedings, being totally contrary to the laws and customs
 of Algiers, as will clearly appear on perusal of this Case.

mined not to give up a point the 10th Article of the Treaty between
 Great Britain and Algiers, ratified and confirmed in April 1686,
 gave me so great a right to insist on, when the Consul arrogantly told
 me, Nothing should be spoke to the Dey but what he approved of;
 and if he had thought I should have entered upon such close questions
 (protesting against them as contrary to the custom of Algiers, which
 rather implies he came there with intention to support their privi-
 leges, in preference to those of his own nation) he never would have
 come with me before the Dey, who, together with the people about
 him, it was evident from appearances, had been tampered with on
 the subject previous to this meeting, the bias being given in the Con-
 sul's favour, which no body will wonder at, as it opened an opportu-
 nity for the Algerines to prescribe new laws and customs, every na-
 tion would be happy to do in their own favour. As I found how
 affairs were predetermined, I told the Dey, as I could not possibly
 accept of a supply of refreshments through the channel, the Consul
 (whose superior I thought myself from the command I was invested
 with†) had not only prescribed, but insisted upon, I should depart
 without them; he replied, by wishing me an exceeding good voyage,
 and said, that he should write to the King upon this subject*, whose
 equitable instructions and commands, which may result from the dif-
 ference of opinion between me and Mr. Kirke, will establish an uner-
 ring rule for his Officers and Consuls to govern themselves by with
 equal respect to his Majesty's dignity, their own content, and the
 nation's interest†.

† Consul Kirke never attempted, nor ever entertained a thought about Superiority :
 but this he knows, that his own Commission was signed by the King. Nor had the Com-
 modore any Commission as Ambassador, special Instructions, or particular Business to trans-
 act in Algiers, that ever came to Consul Kirke's knowledge. The Reader is therefore
 after attending to the latter part of this very Complaint (in Italicks, page 63) where the
 Commodore is pleased to say, He was forced to write to Consul Kirke before he could ob-
 tain the usual salute) left to form his own judgement of the Commodore's opinion on this point.

* Rather a mistake of the Commodore. The Dey's words were (looking up to the
 weather, the wind being then fair for the Centurion's sailing for Mahon) "Bono tempo,
 Signor Commodante;" meaning it was fine weather for his departure, that he "wished
 him an exceeding good voyage, and would write to the King," &c. See the Dey's
 letter thereon, dated 20th May, 1766, Appendix (C) page 6.

Mr. Kirke, out of respect to the Corps Mr. Harrison belonged to, omits the very se-
 vere remarks the Dey made after the Commodore's departure.

† No instructions were ever given Consul Kirke relative to this matter, nor to any of
 his numerous successors, as he ever heard of, none, in his humble opinion, being necessary.

"I beg

“ I beg leave further to remonstrate to you, Sir, that while I was in
 “ the Road of Algiers, a vessel was brought in by one of their cruisers
 “ under English colours; Mr. Kirke being then on board the Centu-
 “ rion, I desired he would send his Drugoman in the boat with one of
 “ my Officers to enquire into the circumstances of her being taken: the
 “ Officer soon returned, and told me he could not obtain the least re-
 “ ply from the people on board to any question he asked. I was then
 “ entering into further discourse upon this head, when Mr. Kirke,
 “ with as little deference to the Officer, as politeness to the Gentleman
 “ at whose table he was sitting, abruptly told me, It was not a matter
 “ of mine to inquire into, that he should collect the particulars upon
 “ his going on shore, and should, or should not make me acquainted
 “ with them, as he thought proper; his duty in matters of that kind
 “ being only to correspond with the Secretary of State, unless he found
 “ my interposition necessary; but I must do Mr. Kirke the justice to
 “ say he was *so obliging* afterwards (in consequence of a letter I wrote
 “ him) to let me into the particulars of the whole affair. It also re-
 “ mains impossible for me, Sir, to pass over unnoticed the last instance
 “ of Mr. Kirke’s behaviour, when I went to the Dey upon the serious
 “ affair of the Florida Store Ship and Schooner, who took upon him
 “ to object against my Linguist reading a Paper I had drawn up for
 “ that occasion to be read to the Dey in Arabic, the language he is
 “ most conversant in, insisting with great vehemence (as a compliment
 “ to my judgement) it should be explained first to him, to know if it
 “ was proper to read*: I replied, it contained the tenor of the King’s
 “ Command, signified to me, and if he understood Arabic or Italian,
 “ which it would be explained in, he might inform himself of the
 “ truth of what I advanced, which disgusted him so much, that, al-

* Mr. Kirke did object to the paper’s being read, as he would have done to the reading
 or speaking of any thing on the subject at that time, because the matter had been properly
 settled long before the Commodore’s arrival at Algiers; and for another more private
 reason, which he did not then choose to mention, nor does he now to insert here, but
 which he is ready to explain to any of his Majesty’s *Ministers*, who will be pleased to
 hear it; when it must appear, that the revival of that subject was (to say no worse of it) a
 most imprudent and impolitic Measure.

N. B. For letters and papers relative to the discharge of the Florida Store Ship, see
 (X) near the close of the Appendix, and Lieut. Deane, if alive.

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" though he was present when I took my public leave of the Dey, in order to go immediately on board with intention to sail from Algiers, he left me in the street without passing the least compliment, and, forgetting all decency to my rank, suffered me to go on board without attending to the salute always given to the Commanding Officer of the King's Ships in these Seas, *which I was obliged to write to him upon before I could obtain**.

" But it seems, Sir, all these circumstances have proceeded from premeditated design: Mr. Kirke having publickly owned, he knew it would be a means of his being called home, and that was all he wanted: that his salary was now but £.480 a year, and when he came out he expected to make £.3000 per annum of his employment †; but that upon his return to England he was sure of a better place. Then from Mr. Kirke's plan, Sir, it is only to behave ill, to merit preferment: excellent system of politicks ‡!"

(Q)

Mr. Kirke's Letter to the Right Hon. the Earl of Shelburne, in answer to his Grace the Duke of Richmond's Letter inclosing the Extract of Commodore Harrison's Letter of Complaint to Mr. Secretary Stephens.

MY LORD, Castle Yard, Holborn, 30th December, 1767.

IN answer to his Grace the Duke of Richmond's letter, of the 28th July 1766, inclosing the extract of Commodore Harrison's com-

* Read the Letters on this subject, Appendix, page 25.

† No such conversation ever passed, nor could Consul Kirke have conceived such a thing as his being called home could possibly happen, without ascribing to himself all that strength of imagination for which the visionary and insane are alike remarkable. His Salary was £.600 per annum, paid by the Treasury; nor did he ever expect to make a Shilling more, as he had the pleasure of being not only known to, but had several conversations with his predecessor the late Consul Aspinwall, before Mr. Kirke left England.

‡ Read Mr. Kirke's answers to the above, Appendix (Q) and (R) pag. 63, &c.

plaint

plaint against me, of the 23d April preceding; I beg leave to observe to your Lordship, that although his Grace is pleased to remark, "That it cannot but appear extraordinary, I should not have sent home sooner, an account of the difference between the Commodore and myself, as it must have happened early in April, and my letter, inclosing the Dey's on this subject, is dated so long after:" It will, as I humbly apprehend, on an inquiry into this matter, clearly appear, that the misunderstanding therein mentioned, was originally between the late Dey and the Commodore, and that it began in November, 1765, by means of the irregularities then committed by the Centurion's people, which were afterwards the unhappy foundation of the Commodore's complaint against me. But as (after having been sent for by the late Dey on this occasion, and been fully convinced of the impropriety and ill tendency of such measures) I flattered myself with hopes, on my fully remonstrating to the Commodore thereon, the like would never happen any more; and out of a desire of preserving that harmony abroad, which I presumed was the true interest of my King and Country at home, declined taking any notice of these circumstances to the Secretary of State, till my own vindication made it absolutely unavoidable: and I must further observe, that when I was pressed by this disagreeable necessity to engage therein, the want of clerks at Algiers (where they are not to be hired at any rate) to copy all the papers necessary wholly to elucidate this matter, made it altogether impossible to forward those vouchers at the same time the Dey's letter of the 20th May, 1766, to his Majesty, was transmitted; which I thought it my duty to send away by the very first vessel that offered: notwithstanding which, those papers were dispatched by the first opportunity afterwards, namely, on the 20th June following; and the difficulty that too frequently happens, in conveying letters from Algiers had been before mentioned to the Right Hon. Mr. Secretary Conway, in my letter of the 21st April, 1766*.

I am, likewise, sorry to find, that his Grace apprehended, that the Dey's letter to his Majesty had made it appear, his Highness's Predecessor had always acquiesced, in his Majesty's ships enjoying the benefit of the 10th Article of the Stipulation with Algiers without *Limitation* or

* See the Letter, Appendix (X) relative to the Florida Store Ship.

Refraction; whereas, I humbly apprehend, on a revifal of that letter, the cafe will appear in a different light.

And as his Grace is likewise pleafed to obferve, that “ whatever might be the inducement of the prefent Dey to oppofe the unlimited privilege granted to the King’s fhips by this article of the treaty for the time to come; his Majefty and his Minifters could not but fee with furprize, that I had not only fubmitted to the new pretenfion the Dey had thought proper to fet up, but had even taken part with him upon the occafion, againft his Majefty’s Commodore;” I cannot here avoid obferving, that I never had a fingle thought of taking part with the Dey in this affair, further than I apprehended the 10th Article of the Treaty obliged me; as the truth and coincidence of the particulars I have fet forth in my general answer to Commodore Harrifon’s complaint againft me, will, I hope, make clearly appear. But, as I would by no means trefpafs on your Lordfhip’s time, further than abfolutely neceffary for my own juftification, and as I look upon the principal charge againft me to be, that his Majefty’s fhip *Centurion*, when at Algiers in my Confulfhip, was not fupplied (agreeable to the 10th Article of the Treaty*) with fuch provifions and refrefhments as that fhip ftood in need of; I humbly beg leave, in order to remove fo ill groundéd a charge againft me, to affure your Lordfhip, that I can by evidence make it appear, that in November, 1765, the firft time of Commodore Harrifon’s arrival at Algiers in my Confulfhip, the Port was, by my application to the Dey, at the Commodore’s request, opened for all kinds of provifions and refrefhments whatever in the fulléft and freeft manner poffible; and likewife, that in confequence of fo great a freedom (a freedom unknown before) his Majefty’s fhip *Centurion* actually received on board at the faid Port very large quantities, not only of live flock, but all other refrefhments, and alfo *Barley* to the extravagant amount of fome thoufand bufhels.

I am likewife perfuaded, on examining into this fevere complaint, your lordfhip will find I never have interrupted the fupplying any of his Majefty’s fhips, when at Algiers; but, on the contrary, have at all times ufed my utmoft endeavours for their accommodation; in confequence whereof, the *Centurion*’s people were not only permitted to purchafe all forts of provifions and refrefhments in November, 1765, but even things *contraband*, and to take them on board without any

* This Article was mifconceived throughout by the Commodore.

APPENDIX.

restriction whatever, till they had made an abuse of that liberty^{*}; when, on a complaint being made to the then Dey by his subjects, it was found necessary to put a stop to the Centurion's people purchasing any more Grain in the market. And your Lordship will also find upon examination, that a *Misapplication* was even made of the very things then taken on board.

And here I must beg leave to observe, that, with respect to my conduct in general, whilst at Algiers, I was so far from governing myself by my own private opinion, that, to the best of my judgement and abilities, I endeavoured to conduct myself not only by the Treaty, but also by the Directions I received from the Right Hon. Mr. Secretary Conway in his Letter of the 15th November, 1765, wherein he is pleased expressly to recommend to me, "To use my utmost endeavours to preserve the harmony and good understanding so happily established between Great Britain and the State of Algiers †;" which I never could hope to succeed in, by urging the Dey to measures contrary to the *fundamental Laros*, or *uzanzas*, of his Country: as on my remonstrating to the Dey on the 10th Article of the Treaty, which expressly says, "That if his Britannic Majesty's Ships shall be in want of Provisions, Victuals, or any other thing, they may freely buy them at the rates in the market;" his Highness declared, That that part of the Treaty never meant that his Britannic Majesty's Ships should take away such large quantities of Grain, or any other *extravagant* Refreshments, to *sell for Advantage* at Mahon, or any other place.

And in justice to myself, I must beg your Lordship's permission to observe, that the whole tenor of my conduct, whilst at Algiers, instead of being in any respect prejudicial to the King's Service, was, in every respect, as beneficial thereto, as the closest attention to particular circumstances, with the most zealous, faithful, and constant endeavours could possibly render it; and that in consequence of those endeavours, every advantage was obtained for Great Britain, that the Constitution of Algiers would admit.

* Read the Dey's Letter to the King, Appendix (C) page 6.

† Read Mr. Secretary Conway's Letter to Consul Kirke, of the 15th November 1765, Appendix, page 3.

And now, my Lord, I flatter myself your Lordship will be well satisfied, that the whole Complaint is of such a nature, as to make it necessary, to call on Commodore Harrison to support his Charge against me, and thereby afford me an opportunity of justifying my Conduct, by publickly setting this matter in a clear light. And that your Lordship will not admit a Charge, fraught with the Ruin of myself and numerous Family, upon the Commodore's *Word of Honour only*. And, as I humbly presume your Lordship will think it necessary to inform yourself of the several other particulars set forth in the Commodore's Complaint against me, I have taken the liberty to send herewith a very circumstantial answer to the several matters therein set forth.

And here I must beg leave to acquaint your Lordship, that, in conformity to what his Grace the Duke of Richmond, in his Letter to me of the 28th of July, 1766, was pleased to recommend, I have collected such Papers and Proofs, as, I hope, will be found amply sufficient for justifying my conduct*. And therefore, I cannot but assure myself (and now humbly request) that the Commodore may be publickly called on to support his Charge, to which (with my unhappy family) I have fallen an innocent Sacrifice. The Proofs I have to offer for my Justification being, at the same time so essential to the Interest of my King and Country, that, WITHOUT A DEGREE OF TREACHERY TO BOTH, I cannot possibly conceal them. I have the Honour to be,

My Lord,

Your Lordship's most obedient, and

Devoted humble servant,

Right Hon. the Earl of Shelburne.

ROBERT KIRKE.

* Read his Grace of Richmond's Letter, Appendix (N) page 51.

(R)

Mr. Kirke's general Answer to the several Complaints exhibited against him by Commodore Harrison in his Letter of the 23d April, 1766, to Mr. Secretary Stephens, and also that of the 18th June following to the Right Hon. Mr. Secretary Conway.

MY LORD,

Castle Yard, Holborn, 30th December, 1767

IT is one of the greatest satisfactions I am at present capable of receiving, after having been traduced and vilified by Commodore Harrison, in the most extravagant and injurious manner, by a Misrepresentation of my Conduct at Algiers (in his Letter of the 23d April, 1766 to the Secretary of the Admiralty, as also in that of the 18th June following to the Right Hon. Mr. Secretary Conway*) and my Employment itself [the staff of life] taken from me in consequence of it, to find myself capable of invalidating the Complaints the Commodore has thought proper to exhibit against me; being fully persuaded, from the consciousness of my own innocence, and the spirit of those letters, which so severely reflect upon it, that when this whole Affair shall have been thoroughly examined, your Lordship will discover nothing but scurrilous inconsistencies, and absurdities at the bottom.

I am extremely sorry to find myself necessarily obliged to trespass on your Lordship's time, by animadverting on any particular parts of the general abuse level'd at my private Character (an abuse which so much discredits the Author) before I proceed to invalidate what more essentially regards the honour of my Sovereign, and the public welfare; but the tenor of Commodore Harrison's Charge makes it unavoidable, as he declares, in the very out-set of his complaint, against what he is pleased to call *contemptuous Treatment* and *Impertinence*, that " he can make the truth of it appear from the testimony of Capt. Gower, of the *Æolus*, his own Officers, and several Gentlemen of Minorca, who

* Read the Extract, Appendix (O) page 54, and ditto (P) page 58.

"times did him the honour of their company in making little tours to the several parts of the Mediterranean, the service had occasion to call him to;" but hopes his "*Word of Honour* will, ALONE, be held *sufficient evidence*" by that Right Hon. Gentleman. But this part of the Charge, which the Commodore is pleased to call "*contemptuous Treatment*," I absolutely deny.

The Commodore then proceeds to load me with scurrility, and abuse, on account of the profession I was brought up to, calling me "*a litigious Limb of the Law*, and valuing myself on having practised with success in that happy occupation," reflecting, in that very expression, sarcastically, and most indecently, on the laws of the happiest country upon earth, as persons of arbitrary notions are too apt to do. Not content with this! my Lord, he proceeds to insinuate, I have even valued myself on my *Ingratitude* to my best friend and benefactor; but as it is quite unnatural to draw an ill picture of one's self, and ingratitude is, confessedly, one of the greatest blemishes of human nature; I leave your Lordship to smile at so gross an absurdity, without taking needless pains to refute it. If on any particular occasion, the laws of my country had done me justice against my superiors (of what rank soever) I had but done justice to those salutary laws to acknowledge it. The truth, however, my Lord, is, that though the Commodore has made me boast of three or four victories, over persons of high rank in the Navy, *I never have, as yet, tried any Cause at my own Suit*, consequently have had no victory of this sort to boast of, over any person whatever; though here I cannot avoid remarking, that if, over a friendly glass I had ever open'd my mind unguardedly on this, or any other subject, and could possibly have made the boast I am charged with (as agreeable to the old proverb "*in vino veritas*" I might be supposed to do) yet, the retailing, exaggerating, and perverting every thing drop'd at a table in *confidence*; a table, at which the Commodore whilst at Algiers (from the 13th November, 1765, to the 24th following) received daily the highest civilities, as it is a flagrant violation of the laws of hospitality, so, with the discerning, it can never give credit to any man's *Word of Honour*.

Before the Commodore takes leave of my private character, he is pleased to declare to the Right Hon. Mr. Secretary Conway, "he knew the digressions he beg'd pardon for, could never tend to influence or

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" *prejudice* a person of his distinguished understanding and candour for mankind in general, against the *Object* of his *Resentment*, and far was it from him, to mean they should." The first part of the Commodore's proposition, is undoubtedly true, that it never can *influence* a solid and impartial understanding; the latter is, as manifestly, otherwise; "that they were not meant to prejudice;" for to what other end could they possibly be sent? The Commodore says "Only to shew Mr. Kirke's apparent intention, to irritate the person, who had the honour to command in chief his Majesty's Squadron in those seas, to some unwarrantable act; and from the irresistible force of passion, drop into the designed snare, and make him fall a victim with some of his brother officers to this law partisan:" by a measure the most cruel, and unjust, endeavouring, thus, to guard the weak side he confesses; to guard (as already observed) against one who never, yet, had recourse to any trial at law, in his own vindication; consequently, the whole of this severe assertion immediately vanishes.

It is very hard, my Lord (as your Lordship well knows) for truth and innocence themselves to prove a negative to a loose and general accusation, rather libellous, than pertinent to any subject of complaint, proper for your Lordship's high office: and when a person goes without the pale of his subject, and commences hostilities with another, by throwing *defamatory Reflexions* instead of coming to the point, your Lordship will allow me to say, it is both an *ungentle* and *unfair* way of proceeding, and plainly implies a disservice of the cause he would maintain.

The Commodore, at length, my Lord, thinks fit to proceed to more weighty concerns, by insinuating "I have offered an *Indignity* to the King's ships of war, and a *Dishonour* to the nation, by endeavouring "to put them on the common footing of merchant-men." The assertion itself is absolutely wrong; the naked truth of the matter is this, my Lord; that, in November, 1765, the first time of Commodore Harrison's arrival at Algiers (in my Consularship) the Port, on my application to the Dey at the Commodore's request, was free and open for all kind of provisions and refreshments, without any *Limitation*, or *Restriction* whatever, and that the said Port was never before opened in so free, and ample a manner; and that his Majesty's Ship Centurion, under

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under the command of the Commodore, during that period, actually took from the Port of Algiers, infinitely greater quantities of all sorts of provisions and refreshments (particularly *Grain*) than ever were taken before, by any of his Majesty's Ships in those seas, or by the ships of war of any other nation whatever: (but the application of the things taken by that ship is best known to the Commodore) quantities so enormous, as even to create a *Dissatisfaction* in the people of Algiers, and, in consequence thereof, a *Complaint* to the Dey, that the Centurion's people were not only raising the *Prices* in the markets, but also occasioning a *Scarcity of Grain*, manifestly to the distress of the poor in Algiers; and that the provisions, particularly *Grain*, were not really intended for the use of the man of war, but to serve a *private Purpose* (contrary to the restriction men of war are under*, contrary to *good Faith*, and manifestly to the *Dishonour* of our own nation) on all which I verbally remonstrated to the Commodore; but, sorry I am to say, without any effect whatever: the reality of which verbal remonstrance will clearly appear, by my letter of the 16th April, 1766†, which I found myself under the disagreeable necessity of writing to the Commodore afterwards (a copy of which letter, I transmitted to the Right Hon. Mr. Secretary Conway in my letter to him of the 20th June following). Soon after which, namely, on the 25th of the same November, the Commodore sailed for Mahon; and on the 27th following, the Dey sent for me (as will appear by my register) and remonstrated on the conduct of Commodore Harrison, and the Centurion's people, in taking away from Algiers such large quantities of *Grain*, assuring me, that the like should never more be permitted: when I assured him, I would use my best endeavours to prevent any *Irregularities* happening in future. But as the Commodore has, without any just ground whatever, complained against me, for taking measures prejudicial to his Majesty's service, by depriving his Majesty's ships of the benefit of *Provisions* and *Refreshments*, he is pleased to assert they were intitled to receive at Algiers, by virtue of the treaty subsisting between Great Britain and that State; all which I deny, yet, admitting the facts to be as represented by the Commodore,

* See the Admiralty Instructions on that head.

† Read Consul Kirke's Letter to Commodore Harrison, Appendix (No. II) page 18.

I humbly pray, in order to my more effectual justification, that the Commodore may be particularly called on, to set forth, *what Use* the vast quantities of provisions in general, *Grain* in particular, taken on board the Centurion, were really applied to.

The second time the Centurion, Commodore Harrison, anchored in Algiers Bay in my Consulship, was on the 11th April, 1766. On the 12th, the Purser, Mr. Lawrence, sent off some Bullocks, having taken (*unknown to me*) my Drugoman to pass the same. On the 13th, I dined on board the Centurion, by particular invitation of the Commodore, who returned with me, in the evening to my house, as usual*. On the 14th, the Commodore told me, that 50 Bullocks were wanting for the Centurion; whereupon, I directed my Drugoman to go immediately to the Dey's house, and request the same; but the Drugoman then observing to me, that seven had been passed the day before, and that 50 was too great a number to request, at once, for a single ship, I told the Commodore what the Drugoman said to me; at the same time ordering the Drugoman to go on the message directed, who went accordingly; but on his return, observing the Commodore mounted, on whom he was to attend during a hunt the Commodore was about to take, the Drugoman, without coming to deliver an answer to me, got on his Mule, and rode before the Commodore, according to the custom of the country. On the 15th, the Master of the Centurion came to my house, and desired I would send to the Dey for leave for him to take on board 22 bags of *Wheat*, which he told me was *stopped* by his Highness's guards at the gates; to which I replied, I could not possibly help it, or do any thing in the matter, till the Commodore's return from his hunt; not having as yet been acquainted, what quantity himself and officers might have occasion for. Upon which the Master left me, seemingly much dissatisfied. The Commodore's Steward presently afterwards came to me, saying, he was

* See the Commodore's Account in the Extract of his Letter of Complaint, dated 23 April, 1766, to Mr. Secretary Stephens, for their Lordship's information, Appendix page 56, ("I am farther," &c. &c.) when, supposing that part of the complaint to be well founded, the Reader will judge what ought to be conceived of the Person who could be supposed to receive such Indignities at his own table, as the Commodore so loudly complained of, and afterwards tamely to return to the hospitable Roof of the very Man, who had, just before, behaved to him in so ungentleman-like a manner. However, the fact really was, that the chief of the Conversation that happened on this head was, in civil Terms, between the Commodore's Secretary and the Consul, and not between the Commodore and the Consul.

in want of *Barley* for the stock on board the *Centurion*. I replied, the Commodore had not mentioned it to me; and therefore I could do nothing in it till the Commodore's return, not knowing what quantity he might stand in need of. Soon after which I was sent for to the Dey's house, and told by his Highness, that some persons belonging to the Commodore, had been with his Drûgoman, and some other of his Officers, to endeavour to obtain leave for passing quantities of *Grain*; that he [the Dey] on the first application had ordered 40 measures to pass (each measure being about a bushel and an half English) looking upon the application as coming from me, for the Commodore's use; but after repeated solicitations on the same account, sent for me as above, to know the particulars; and on my acquainting his Highness, I was ignorant of the whole matter, his Highness seemed much displeased thereat; assuring me, at the same time, that he expected, that such things as the ship might be in want of, and which, being *contraband*, would consequently be stopped by his guards at the gates, should, agreeable to the established *uzanza*, or custom of Algiers, be first signified to him, and applied for by the Consul, (were it only to prevent *Irregularities*) as he looked upon the Consuls as *answerable* to him for whatever was transacted in Algiers, by any of their respective nations*. I then assured the Dey I would endeavour that all things should go in their proper channel; and on this his Highness might rely. I then left him, first desiring, upon recollecting what the Commodore's Steward had said to me, that his Highness would be pleased to order some *Barley* for the present use of the stock on board till the Commodore's return, when I would endeavour to let his Highness know the quantities of the several things *contraband*, that the Commodore, his Officers, and others might stand in need of. When the Dey said, "Bono bono;" and ordered 10 measures to pass accordingly. I then returned home, and made all the enquiry possible, but could not learn who had been with his Highness's Drûgoman, and Officers, to request the passing the *Grain* before mentioned; but was apprehensive, the request came from the Master and the Commodore's Steward. Here the matter rested, till the Commodore's return from his hunt, which was the 16th, when the Commodore with

* Read the Dey's Letter to the King of the 20th May, 1766, Appendix (C) page 6.
his

his party, went to one Brown's, who kept a tavern there†, where (as I was afterwards informed) the Master, Steward, and others, directly complained to the Commodore, that they could get nothing on board in his absence, on account of the Consul; and in consequence of this ill-grounded complaint (*Grain* only to my knowledge having been refused them) I suppose, it was, that the Commodore, and his party, declined returning to my house to dinner, where I expected them as usual. These representations, together with the officers that were about him, working (as I apprehend) on his passions, by telling him, it was an indignity offered him as Commander in Chief in the Mediterranean; and neither the Commodore, nor any about him (as I conceive) understanding the *uzanzas*, or laws of Algiers, and the Commodore himself, as I also apprehend, imagining, that the 10th Article of the Treaty gave him so great a latitude; and being disappointed in such his imagination, he immediately sent a servant for his trunk, and other things, and left my house. The 17th, I met the Commodore at the Danish Consul's, where we all dined by invitation; I then told the Commodore, if he would be pleased to let me know what things he and his Officers had occasion for, that were contraband (such as *Corn, Barley, Horses and Mules*) I would directly send my Drugoman to the Dey to request them. When the Commodore replied, he wanted every thing; and that unless all his wants were supplied, he should go away without taking any thing further. And on the 18th I attended the Commodore to the Dey's house, when several irregularities passed; and upon the conclusion, the Dey told the Commodore he could not conceive how these misunderstandings should arise, as he looked on the English and Algerines as Brothers, but that he would write to his good friend the King of England, upon the whole matter; and wished the Commodore a good voyage. The particulars of this affair will appear by his Highness's letter of the 20th May, 1766, to the King*, inclosed in mine of the 22d of the same month† and also another of the 20th of June following, to the Right Hon. Ma

† This was the place of rendezvous, or magazine, where all the corn and barley that was purchased in the markets was deposited before taken off by the several boats belonging to the Centurion.

* See the Letter, Appendix (C) page 6.

† See ditto, Appendix (D) page 9.

Secretary Conway † (copies of which have been already transmitted) giving a circumstantial account of this transaction, and which is also in part corroborated by the Commodore's complaint sent me in his Grace the Duke of Richmond's letter of the 28th July, 1766.

In regard to the Commodore's charge of a supposed misbehaviour of mine at his table (on the 13th April) where, it is to be observed he was pleased to invite me to dine (being the same day on which a vessel was brought into the Mole of Algiers, by one of their cruisers, carrying an English Jack at her forestay) I cannot help being greatly astonished, at the Commodore's mentioning this circumstance, since, it is certain, whatever words fell in the course of conversation, he was so well satisfied with my behaviour upon the whole as to return on shore with me, that very evening in his own barge, and go to my house; where he did me the honour to be that night, as usual; and the Commodore, in the same paragraph, does me the justice to acknowledge, "that in consequence of a letter he wrote me, I let him afterwards into the particulars of the whole affair" (which letter, I must here remark, was only wrote in answer to mine of the 16th April, 1766*, complaining of the irregularities that were again beginning to break forth; a copy whereof I transmitted to the Right Hon. Mr. Secretary Conway in my letter of the 20th June following†) and without which, it was my intention, to have informed the Commodore, as soon as I came to the true knowledge of them.

What the Commodore is pleased next to charge me with of declaring myself the cause of stinting the *Bullocks* that were had to a certain number, and of my passing them by Tiscary (to remark on it in the mildest terms) must arise from some mistake or misapprehension of the Commodore on the subject, which will clearly appear by the evidence I have to support the same. But I cannot relinquish this part of the complaint made by the Commodore, without again requesting that he may likewise be called on to set forth in what manner these *Bullocks* were applied to his Majesty's service; the justification of my conduct (which is the

‡ See the Letter with Inclosures, Appendix (E) page 10.

* See said Letters, Appendix (No. II) page 18.

† See the Letter, Appendix (E) page 10.

sole inducement of this request) being essentially connected with an explanation of these particulars.

The passing to Merchant-men by special Tiscary, or License, things contraband and liable to be stop'd by the Dey's Guards at the gates, which the Commodore asserts to be "in consequence of an ordinance lately published by me (notwithstanding it has been the custom of Algiers time immemorial)" is clearly intended to induce a belief of the point, he has before thought proper to charge me with, as endeavouring at with men of war, and thereby offering an indignity to the King's Ships and a dishonour to the Nation, being apparently blended with it, for no other purpose than to give colour to his next assertion "that I was endeavouring at this point with men of war," which has no more foundation in truth than the former, as will manifestly appear by a retrospect of that freedom procured them in November, 1765, already taken notice of in this letter: all, therefore, that the Commodore has advanced and insinuated of my being a favourer of the Algerines in preference to those of my native country, falls, of its own accord, to the ground; and will be found, upon due examination, to be the plain effect of private pique, or sinister views; the natural interest and amity of states being (as I humbly presume) evidently supported, rather, by measures of integrity and justice, than by those of artifice and cunning.

My interrupting the Commodore in his remonstrances and telling him "nothing should be spoke to the Dey but what I approved of," is likewise much misrepresented. I only took notice to the Commodore, as I apprehended my duty required (not imagining when I was sent to Algiers as an agent, I could be intended for a cypher only) that the Consul was the proper channel for negotiations to pass through, more especially those relative to the fundamental laws and customs, not only of my own country, but likewise of the place I resided in, which being my immediate duty to study, I might naturally be supposed to be best acquainted with; and the consequence the Commodore too hastily deduces, of my preferring the interest of Algiers to that of my native country, is not only very unjust, but very unnatural.

The Commodore next declares, "That as he found things predetermined, he told the Dey, he could not accept of any supply of refreshments,

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ments, through the channel the Consul (whose superior he thought himself, from the command he was invested with) had not only prescribed, but insisted on :” but, as the Commodore’s command was of a Military nature, and my station, as Consul, a Civil employ, I know of no gradations of Rank subsisting between them ; but it is easy to account for the Commodore’s dislike to the customary Medium of States, who, through the whole course of his letter, betrays his arbitrary notions, and affects to shake a Rod of Iron over the Civil Power: notwithstanding which, it is evident, from the Dey’s behaviour, to the Commodore at parting, (as set forth in the Commodore’s own Letter of Complaint against me*, and also by his Highness’s Letter wrote afterwards to his Majesty thereon, in consequence of what passed at such parting) how much his Highness was dissatisfied with the Commodore’s manner of acting†. And I must here beg leave to observe, that at the very time the Commodore so severely complains of my offering an indignity to the King’s ships, by putting them on the common footing of merchant-men, the Commodore himself had, in November then last, offered the very indignity complained of, by having permitted the Centurion to receive on board such large and unusual quantities of all kinds of provisions, Grain in particular, as even to excite a commotion in the people of Algiers, from an apprehension of scarcity (as before set forth) and a jealousy that they were not intended for the necessary use of the Centurion’s people ; and if, during the Commodore’s command, a limitation and restriction unknown before was required, as the Commodore advances (which I positively deny) it arose only from the late and present Dey’s observing, that an abuse unknown before (which also appears by the present Dey’s Letter, already taken notice of) tending greatly to the dissatisfaction of the people of Algiers, had again made its appearance, by the Commodore’s attempting to extend the 10th Article of the British Treaty with that State, to a greater latitude than the words (I presume) will admit of ; which are, expressly, “ That if any of the King of Great Britain’s Ships do come to Algiers, or any other Port or Place of that Kingdom, they shall not be obliged to pay customs in any sort ; and that if they shall want Provisions, Victuals, or any other thing, they may freely buy them at the rates in the market.” The latter part of this article can therefore (as I humbly conceive) be only

* Appendix, page 56.

† See the Letter, Appendix (C) page 6.

extended to, what Ships of War may possibly be in want of, for their necessary Supplies, and no further; any thing beyond this (in favour of illicit commerce) must certainly be an Abuse of the Treaty; and while I was endeavouring to serve my Royal Master, and not only to support the Honour of my Sovereign, but also the Credit of the Nation, it was impossible to vindicate Measures prejudicial to both.

But as the Commodore is pleased to assert, "that while he was pursuing his Remonstrances to the Dey, I protested against his coming to close questions, as contrary to the Custom of Algiers;" I cannot say I understand the Commodore's meaning: but I do admit, that I did protest, as well against the Conduct of the Commodore, as also against that of the Officers then with him, on this occasion, being, as I thought, quite irregular, as will appear, not only by the Dey's Letter, of the 20th May, 1766, to his Majesty, but also by mine, of the 20th June following, to the Right Hon. Mr. Secretary Conway, giving an account of that transaction*. And as the Commodore, immediately afterwards charges me (to use his own words) upon "appearances only, with tampering with the Dey, together with the people about him, in opposition to the interest of my own nation," I positively deny the same; as I likewise do, that any Bias was by them given in my favour, but that the Commodore's mind should suggest a suspicion of this kind. I will, I persuade myself, appear nothing strange, as it will come out, on evidence, that the Commodore himself, and also Mr. George Lawrence, his Purser, sent divers Presents to the Dey and those about him, which presents were duly delivered accordingly.

The Complaint of the Commodore touching my behaviour on the serious Affair of the Florida Store Ship and Schooner, when he was at Algiers in June, 1766, being of a two-fold nature, I must answer in its respective branches; after having, in the first place, observed that the Commodore is pleased to take to himself (in his Letter of the 23d April, 1766, to the Secretary of the Admiralty†) the merit of having obtained Satisfaction of the Dey for Benzerzo Rais's Misbehaviour, the particulars of which transaction I had imparted to him in conversation

* See the Letters, Appendix (C) page 6, and Appendix (E) page 10.

† See the Extract, Appendix (O) page 54. See the Letter relative to the Florida Storeship, Appendix (X).

tion before his sailing from Algiers on the 18th of that Month (as well as communicated to the Right Hon. Mr. Secretary Conway in mine of the 21st of the same). The truth of this observation will evidently appear from the face of the Commodore's letters, by comparing that of the 23d April, 1766, with that of the 18th June following†, wherein he complains of my impertinence, on his applying to the Dey upon this very account; for it is absurd to suppose, he would, at the time the last letter mentions, have applied to the Dey on a subject, wherein he had obtained redress of him before. As to my objecting to the Commodore's Linguist's reading a Paper the Commodore had drawn up for that occasion, in order to its being explained to the Dey in Arabic; and, my insisting, with great vehemence, it should be explained first to myself: it is greatly misrepresented; but I do admit, that, after what passed between the Commodore and myself in going up to the Dey's house, seeing the Commodore put into his Interpreter's hand, a Paper, wrote on in Hebrew characters, and in the Spanish Language (as my Interpreter afterwards informed me) I told the Commodore, that, if he pleased, I should be glad to know what that paper was: but the Commodore replied, That was not my business; and that he supposed, I knew not that he had particular orders from his King; to which I replied, Indeed I did not; but, if that was the case, it was very well. And I must here remark, that I should not have said even this to the Commodore, had I not had good reason to imagine the Commodore's coming was upon the very matter of Benzerzo's behaviour, wherein I had, long before, obtained from his Highness all the satisfaction imaginable, on behalf of my Royal Master, as will appear by my Letter to the Right Hon. Mr. Secretary Conway, of the 21st of April, 1766*, and therefore could have wished his Highness might not have been urged with more solicitations on a subject, in which he had already given all the Redress in his power, and on which he had declared himself even ready to take away the offender's Life, if his Britannic Majesty required it. In regard to the latter part of the Commodore's Charge, of "my forgetting all decency to his Rank;" I have only to observe, that I never forgot the

† See the Extracts, Appendix (O) page 54, and Appendix (P) page 58.

* See Letter relative to the Florida Storeship, Appendix (X).

respect

respect due to him as an Officer. And here I must also declare, I was never given to understand by the Commodore himself, or any one from him, that, when he took his leave of the Dey, he was immediately going off, and intended no return on shore, or he would, undoubtedly, have received the salute he complains was not paid him, till he was obliged to write to me for it, which, on his so doing, was instantly given him, and which, had I been authorized to apply for, by a certain assurance from him of his departure, would have been paid him before. The truth of all which will appear, by the Copies of the Letters that passed between the Commodore and myself on this subject; and which I afterwards transmitted to the Right Hon. Mr. Secretary Conway in my Letter of the 20th June, 1766, wherein I also inclosed (marked No. III) a general narrative of this Affair†.

Upon the whole, my Lord, I cannot avoid mentioning to your Lordship, that I am pierced to the Soul (even while my Conscience acquits me) to find my best endeavours to cultivate, on the firm footing of strict justice and equity, a good Harmony between the Kingdom of Great Britain and State of Algiers; where, I humbly conceive, it manifestly subsisted during my Residence there; so cruelly misconstrued, as to represent me a supporter of the Privileges of Algiers, in preference to those of my native Country; a most extraordinary supposition indeed! but an attention to the Circumstances of this Affair, together with an inspection of the Copy (now in my Custody) of the Register kept in the Office of Cancellarea, at Algiers, will fully demonstrate, that in every Civil Matter, I have always maturely deliberated, and acted as the unbiaſſed force of Reason has fairly determined me.

All I shall beg leave further to observe to your Lordship at present, is, that, as his Grace the Duke of Richmond, in his Letter of the 28th of July, 1766, gave me the pleasing Hope of a public Opportunity to justify my Conduct, by recommending to me my collecting such papers or proofs, as might be necessary for that purpose*, and having now done the same accordingly, I therefore humbly pray, that Commodore Harrison may be publickly called upon, to support his Charge against me (to which

† See the Letter, Appendix (E) page 10, and No. III. page 22.

* Read the Letter, Appendix (N) page 51.

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Charge, I, with a numerous family, have hitherto fallen a sacrifice). And this I more earnestly entreat, as, I humbly hope, the several Proofs I have to offer in my Justification, will not only serve to manifest my innocence in every particular the Commodore has thought proper to advance, upon his "*Word of Honour*," but are in themselves so essential to the interest of my King and Country, that, WITHOUT A DEGREE OF TREACHERY TO BOTH, I cannot possibly conceal them.

I beg your Lordship's pardon, for the prolixity of this letter (which a case so interesting and affecting has necessarily compel'd me to) and the trouble herein unavoidably given your Lordship, by,

My Lord,

Your Lordship's most obedient, and
devoted humble servant,

The Right Hon. Earl of Shelburne.

ROBERT KIRKE.

(S)

*Extract of Letter of Complaint against Consul Kirke from
Lieut. Governor Johnston to the Earl of Shelburne, dated
Mahon, June 29, 1767.*

" I TAKE the first opportunity of transmitting to your Lordship a
" dispatch which I received a few days ago from Mr. Sampson from Al-
" giers, where I find, from Commodore Spry, and some officers that
" were with him, that Mr. Kirke, by his intrigues, and presents, has
" contrived to prepossess the Dey and his Ministers so much in his fa-
" vour, that Mr. Spry met with infinite difficulty in prevailing upon
" the Dey to allow Mr. Sampson to act, till the arrival of Mr. Fra-
" zer*, which I believe the Commodore has promised shall be in three
" months; but as both these gentlemen will doubtlessly give your Lord-
" ship a much fuller and distincter account of all these transactions, I

* Why? because *his Excellency*, Mr. Spry, introduced Mr. Sampson as FULL CONSUL, who was without any commission to authorize such a proceeding. And when the usual and customary Consular Presents were demanded and refused, these, added to many other as JUDICIOUS AND WISE proceedings, brought on all the Mischief complained of.

" shall

“ shall not trouble your Lordship any more about them; but only ob-
 “ serve to your Lordship, that I believe it past a doubt, that Mr. Kirke
 “ has, from private views and piques, greatly prevented this Island from
 “ receiving the supplies so necessary for the subsistence both of *his Ma-*
 “ *jefty's Troops* and subjects in it*; and which I foresee, except your
 “ Lordship is so good as to interest yourself in the manner you shall
 “ think most proper, either by obtaining from the Dey a Port where
 “ Vessels from this Island may at *all Times* export *Corn* or *Cattle*, or
 “ by settling a certain number of licenses, to be granted yearly for that
 “ purpose||, that we shall be much distressed here before the winter is
 “ over, as our crop has turned out but badly.

“ I must beg leave further to trouble your Lordship with the in-
 “ closed Affidavit and Protest, which was presented me by one of the
 “ owners of Netto's vessel, which is only one proof of many which
 “ might be given of what I have advanced above †; from which, I sub-
 “ mit to your Lordship what consequence you may think proper to de-
 “ duce.”

N. B. The above was delivered Mr. Kirke by the Office Keeper at
 Whitehall, 13th November, 1767, soon after his arrival from Algiers.

* Mr. Kirke now declares upon his Word (Honour having already been proflit-
 tuted by the Commodore) and which he is ready to make oath to, that he never made
 use of any intrigue, or particular presents, other than the nature of his office required,
 to prepossess the Dey or his Ministers in his favour, or had the least private view
 or pique whatever, or bore the least enmity to any soul living on the Island of Mi-
 norca, being a place and people he never saw, or had the least connection what-
 ever with: on the contrary, he did every thing in his power for their service, and more
 than ever was done by any British Consul before his arrival at Algiers, and from no other
 motive whatever than thinking it his duty so to do, for the Subjects in general of the King
 his Master.

|| Nonsensical to a degree: no such liberty ever was, or ever can be obtained, being
 contrary to the fundamental laws and constitution of the country. The Dey of Algiers not
 being the King of England's Vice Roy, for if he was, few, if any Slaves, would be car-
 ried in there.

‡ Netto and his adherents deserve the worst of punishments, as will appear by attend-
 ing to the whole of their iniquitous proceedings.

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The Protest of Juan Netto, Senior†.

British Chancery Office, } THIS Day before us, James Sampson, Esq;
 Algiers, 17th June, 1767. } his Britannic Majesty's Agent and Consul
 General for the City and Kingdom of Algiers in Barbary, personally
 appeared Juan Netto, Senior, Master of the Brigantine called San Juan
 Baptista, of Port Mahon, and voluntarily maketh Oath and faith, That
 he was dispatched by his Employers at Minorca for a voyage to this
 place, in order to get a Cargo of *Wheat* for the supply of *his Majesty's*
Troops at Minorca, they being at that time in a very great want of
Corn; and to this purpose was furnished with Letters of Recommendation
 from his Excellency Governor Johnston to the Dey, inclosed in
 another for James Sampson, Esq; upon hearing he was appointed to
 supersede Robert Kirke, Esq; as Consul at Algiers, with absolute Or-
 ders, that in case Deponent did not find on his arrival at Algiers the said

† The credibility of a narrative of any kind depends chiefly on two things, viz. The
Probability of the facts related, and the *Character* of the witness or relator. In both
 these views, this protest must appear to labour under some disadvantage. As to the facts
 therein set forth, they are confuted, by Mr. Kirke's Letter to the Secretary of State, of
 the 30th December, 1767, which follows this protest. And as to the *Character* of the
 protestor, let the following Anecdote serve as a specimen to ascertain the credit due to
 his testimony. When Fort St. Philip was besieged in the beginning of the last war, he en-
 tered the Fort with the British Troops, but soon afterwards found an opportunity of desert-
 ing to the besiegers, and informed them of the properest methods of making their ap-
 proaches.

§ The King's Troops at Minorca were victualled by contract made at the Treasury,
 consequently this corn was only wanted to serve private purposes, though the recommen-
 dation appeared so very pressing to obtain it, which, if succeeded in, must have been
 done by *prostituting* the King's Name, and setting forth the *starving* condition *his Ma-*
esty's Troops were in at Mahon, set aside the Consul's making great presents out of his
 own pocket, and laying, not only himself, as the King's Agent, but his Sovereign also, under
 the most particular obligation to the Dey, provided the favour could be obtained; but
 Mr. Kirke supposes, no matter to them which, nay, even at the eternal disgrace of
 his own country, or the destruction of the Dey, provided *Corn* could be procured.

new

new Consul, or that he did not appear within three days after, he may do the best of his endeavours to go the Dey's house, and in his presence to open Consul Sampson's Letter, and to deliver into the Dey's own hands the inclosed directed to him†. That Deponent arrived at Algiers on the 13th of October, 1766, at six o'clock in the afternoon, and being very late and busy in securing his vessel, and the gates shut, he could not come on shore, which he did next morning at ten o'clock ||; and finding that Consul Sampson was not yet arrived, he went to Mr. Kirke's house, and delivered him (*at Mr. Kirke's Request*) his Bill of Health and Mediterranean Pass, and upon Deponent being asked, if he had any Letters from Mahon, answered he had none, but only two Letters for the new Consul Sampson. Mr. Kirke desired Deponent to deliver him said Letters, to which Deponent answered, that he could not comply with his desires, being under contrary orders, and that he must obey them. Mr. Kirke then insisted upon the Letters being delivered immediately to him, and that if he would not do it, he would keep him prisoner in his house until said Letters should be delivered to him*; and as Deponent denied it again, Mr. Kirke ordered immediately the doors to be shut, and Deponent was kept there about two hours. Deponent then proposed, that if Mr. Kirke would consent to his going, he would bring said Letters to him, but Mr. Kirke could not be prevailed upon to let him go; at last, Mr. Kirke himself went with Deponent on board the Brigantine to survey the vessel, when Deponent offered

† Very noble and JUDICIOUS directions indeed! A real Consul on the spot to be looked on as a CYPHER only, because Mr. Sampson was expected, and, if he arrived safe, was only to act *pro tempore*, as by his Grace of Richmond's Letter, with which he was charged. However, on the whole, it must be imagined, that Lieut. Governor Johnstone knew what was transacting, or had been transacted in the cabinet, far better than the Privy Counsellors themselves; for if the Governor's friend, Sampson, did not timely arrive to serve the purpose, then Mr. Netto was spontaneously to become Consul himself, and do the business, as such, accordingly!

|| Totally false: he having come to an anchor, early in the afternoon, and his vessel safe long before the gates were shut; nor did he come to the Consul's house till the Consul's Drugoman brought him thither.

* The Letters sent by every vessel are always to be brought to the Consul's house in a bag, there sorted by his Vice Consul or Clerk, and afterwards delivered by the Consul's Drugoman as directed; this is, and always has been the invariable custom in Algiers.

to deliver him the Letters, but he would not accept them†. Deponent then acquainted Mr. Kirke with the nature of his Orders relative to his being charged to open the Letter in the Dey's presence, if Consul Sampson did not appear within the three days after his own arrival, and deliver the Governor's Letter to the Dey, and at the same time apprize his Highness of the want of *Corn* that *his Majesty's Troops* were in, at that time in Minorca‡. That three days after, viz. on the 17th October, Deponent, in execution of his orders, went to the Dey's house, and found there Mr. Kirke, who asked him what he wanted. Deponent answered him, that he came in order to deliver the Dey's Letter that was inclosed in that of Mr. Sampson. Mr. Kirke then said to Deponent, that he might open the Letter, and as soon as it was opened, Mr. Kirke took it out of his hands, both the Dey's and Mr. Sampson's Letters, and proceeded directly in reading that directed for Mr. Sampson, which done, said to the Dey, that all that was in order only to deceive the Dey, by making it appear, that the Island was in great want of *Corn*, but in reality these were merchants' tricks to get *Corn* and send to Spain, and put a great deal of money into their pockets; after which, he asked the Dey, if he would have the Governor's Letter read to him; and upon the Dey's answering Yes, he read over a few lines§, and said to the Dey, that all of it was in order to deceive him, and gave the Letter to the Chancellor

† Netto did offer to deliver the Letter directed for Mr. Sampson, which Consul Kirke refused; first, because Netto said he was directed to keep it till Mr. Sampson's arrival; and secondly, because it was not directed ON HIS MAJESTY'S SERVICE.

‡ The King's Troops were in no particular want at that time; if they were, why was not Consul Kirke, or the Consul for the time being, wrote to thereon *on his Majesty's Service*? The fact was, it was meant as an idle excuse, and to deceive the Dey, and not only a *very imprudent*, but *very impolitic and improper Measure*, &c. calculated intirely to facilitate the obtaining the *Grain* at any rate, in order to *sell to Advantage* by those concerned in the cargo, as will clearly appear by the Letter received long afterwards from Dr. Edward Clarke, secretary to Lieut. Governor Johnston, Appendix, page 90.

§ Mr. Kirke has the Original Letter now in his possession, written in a language he is an utter stranger to, signed by Lieut. Governor Johnston, with his great seal affixed to the corner, which letter Mr. Kirke has not as yet had any opportunity of delivering to the King, though earnestly requested by the Dey so to do.

to

to read it over, which was done*. That there was George Tudury, that likewise came to desire a permit to load *Corn* for the University of Mahon's Account, and said, Mr. Kirke said to the Dey, that he was of opinion, that the University of Mahon had more right to obtaining a Cargo of *Wheat* than Deponent, who, he said, was of Merchants' particular Account†. Deponent then answered him before the Dey, that himself was the more intitled to a cargo than the University, his *Corn* being designed for the use of *his Majesty's Troops*‡. The Dey then answered,

* This is totally misrepresented. The fact was, Netto being told Consul Kirke was going, or gone up to the Dey on some business, Netto followed, soon after, to the Palace, where he stood in the court yard, peeping up, which the Dey perceiving from the bow window where he sat, asked what that English Man wanted, pointing to Netto, and ordering him to come up, and then inquired his business; when, Netto fell on his knees, and put the Letter directed to Mr. Sampson, inclosing Lieut. Governor Johnston's to the Dey, into the Dey's own hands. On which the Dey instantly gave it to Consul Kirke's Interpreter (now in England) who asking what his Highness would be pleased to have done with it, the Dey replied, Open and read; on which both letters were opened, and read, and then returned to the Dey, who gave them instantly to Consul Kirke, desiring, that directed to Mr. Sampson might be given him on his arrival; and the other, from Lieut. Governor Johnston to the Dey, he (the Dey) *most earnestly requested* Consul Kirke to take home with him, and deliver it into his good friend the King of England's own hands, that his Majesty might know in what manner he was continually teased and persecuted for *Grain* for his troops, who were always represented as starving, and also the means that were made use of to *deceive* him, and particularly that of *affixing the great Seal* to the corner of the Lieut. Governor's letter, &c. &c.

† The fact was, on the Dey's saying he did not believe any cargo could be spared, either for Tudury or Netto, but in case upon inquiry one cargo could be obtained, the Dey desired to know of the Consul which should have it; when the Consul requested time to inquire, which he did, and on being satisfied, he told the Dey at his next audience, that he found Netto came only with Lieut. Governor Johnston's Letter, with the *broad Seal affixed*, and that Tudury came with the Magistrates of Mahon's request, under their *proper seal*, accompanied with a Letter from the Governor, backing that request. And that the Consul was informed from the best authority he could procure, that the *King his Master's Troops* were victualled by *Contract*; but that the Magistrates found many necessaries for the Troops, oil for the guard rooms, and many &c.'s, and that therefore, it appeared to the Consul, that if but one cargo could be spared, Tudury was of the two the most preferable. But that his Highness was the best judge, as he had been so long their neighbour, and myself but just come into that part of the world.

‡ Mr. Netto surely MEANT TO SWEAR for the private use of the Contractor for Victualling HIS MAJESTY'S TROOPS, and those so shamefully concerned with him, for

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swered, that he'll see when the new Consul comes. Mr. Kirke then put the Dey's and Consul Sampson's Letters into his pocket. Next day, Deponent went to Mr. Kirke's house to desire him to return him the Letters, for he intended to deliver them to the new Consul at his arrival; but Mr. Kirke answered, that he would not return them by any means. Deponent then made the best of his endeavours by talking to the Intendant of the Marine, and several Turkish Gentlemen, in order to interest them in his favour, and procure him a *Cargo of Corn*, apprizing them of what passed between him and Mr. Kirke, and what little effect the Governor of Minorca's Letter to the Dey produced, who told Deponent, to go to Mr. Kirke, and beg of him to give him the Governor's Letter, in order to be delivered again, because it slipt the Dey's memory, and he did not recollect the contents of it, or even knew that it was from the Governor asking *Corn*, assuring Deponent, that if the Letter should be found to be from the Governor of Minorca, asking *Corn for the Troops*, the Dey would immediately grant a cargo, because the Dey was more willing to serve the Governor than the Magistrates †; which conversation was in the presence of Aly Hogia and Regeb Rais. Deponent then went to Mr. Kirke, and acquainted him of what had passed, and very humbly begged to have given him the Governor's letter to the Dey, for upon his delivering it to the Dey again, he certainly would succeed in getting; but Mr. Kirke absolutely denied it, saying that the letter was *where it ought to be*, and that Deponent never will see it any more; and as Deponent's employers at Mahon were informed, that said Mr. Kirke was so much against Deponent, and his declared enemy for no other reason than only for having brought the Captain of the Port of Mahon to Algiers, with whom he had some misunderstanding, and hates him

whose Lucrative Views a Consul MUST BE SUPPOSED to be sent to Algiers, and, in concert with others as TRAITEROUS as himself, to deceive the Dey by any means whatever, Which brings to Mr. Kirke's remembrance, Commodore Harrison's own expression, at the end of his Letter of Complaint against him, to Mr. Secretary Conway (Appendix, page 63) "EXCELLENT SYSTEM OF POLITICKS!"

† Had the application appeared to have been on his Majesty's service, and that his Troops were in real want, certainly the Dey would (instead of granting his permission to purchase) have given a cargo; a similar instance having been the chief cause of Mr. Kirke's predecessor, Consul Bruce, being recalled.

very

very much, to such a degree, that every time Deponent was going to supplicate him at his house, he flew in a passion, quite out of temper with Mr. Alexiano for his having taken on shore from Deponent's Brigantine some presents he brought for the Dey of Algiers*. His Excellency Governor Johnston wrote a letter to Mr. Kirke, setting forth to him their want of *Corn* in Mahon, directing Deponent to go to Mr. Kirke for the answer; but Mr. Kirke told Deponent, that it was not his business, and that he should take care to answer the Governor's letter, which put Deponent to a despair, and wrote to Mahon again acquainting his employers of the bad propensity of Mr. Kirke towards him. His Excellency then, and Mr. Forbes, wrote two letters in Deponent's favour, ordering Deponent to deliver them with his own hands, which he did, and the answer he got was, that he would do nothing for the Governor, Mr. Forbes, or any other, that should interest himself in this matter in Deponent's favour, for his having brought Mr. Alexiano to Algiers, who spoke in regard to him with a great deal of liberty. Deponent then said, that was very extraordinary, after six months he should still preserve his hatred towards him, and if he is determined to regard for nothing the Governor's letters, and not to have any pity on Deponent and the poor people of the vessel, who have been obliged to consume the little they could get, and their families starving at Minorca, and is resolved not to do any thing for him, he then begged that he would give leave for his Chancellor and Drugoman to go with him to the Dey's house, as Deponent was assured, that he would find mercy from the Turks, from the promises he had from some considerable persons that they would interest themselves with the Dey to grant him a cargo, in order to remedy the want complained of, and deliver Deponent and people from their distress; therefore he only requested, that he would permit the Chancellor or the Drugoman to go with him to the Dey's house, that the Dey might know Deponent to be a British subject, and that he came from the Consul; but Mr. Kirke persisting in his obstinacy not to assist him, told him that he would not permit it, for that he kept the Chancellor and Drugoman only to assist himself and nobody else. After which De-

* Read the account relative to Alexiano, Appendix (W) when the Reader will judge for himself relative to this matter.

Deponent left going to Mr. Kirke's any more, as he was always ill used by him before other Masters of Vessels†, and hoped to be better treated at the arrival of the new Consul and Commodore; but instead of that, it appears, that Mr. Kirke had so much influence, as to prevent Deponent's obtaining a license; and as this conduct of Mr. Kirke has caused Deponent's staying at Algiers about eight months, to the injury of himself, people, and vessel, Deponent therefore protests against the said Robert Kirke, Esq; for all losses and damages whatsoever, that have been already sustained, or that may be sustained in consequence of the said detention. Done in the City of Algiers in Barbary, this 17th Day of June, 1767.

JUAN NETTO.

This Protest was made in the City of Algiers (where no stamp paper is to be got) in the presence of us, after being carefully compared with his original Declaration in the Minorquin language, and faithfully explained to Deponent, by

SAMUEL MORRIS,
JAMES SOLER.

L. S.

WE James Sampson, Esq; his Majesty the King of Great Britain's AGENT and CONSUL GENERAL for the City and Kingdom of Algiers in Barbary, Do hereby certify, the above was executed * in our presence, in testimony whereof, We signed with our own name, and caused the seal of our office to be affixt thereto, in the City of Algiers in Barbary, this 17th Day of June, 1767.

JAMES SAMPSON†.

British

† All the ill usage complained of proceeded from the Consul's refusing to urge the Dey to come into Netto's sanguine expectations, contrary to the oath the Dey takes on his accession to the Deylic.

* Mr. Kirke is inclined to believe, that the Reader will be of opinion, that if the WHOLE CLAN had been EXECUTED, it would not only have prevented much Trouble, but been a great SAVING to this Country.

† James Sampson, Esq; never was " his Majesty the King of Great Britain's Agent and Consul General for the City and Kingdom of Algiers in Barbary ;" read the latter part of his Grace of Richmond's Letter, of the 28th July, 1766, relative thereto, Appendix,

British Chancery Office, } Register of Letter from Edward
Algiers, 2d January, 1767. } Clarke, Esq; Secretary to Lieut.
Governor Johnston, of Mahon; received this day by the Pol-
lacca Sta. Catherina, Miquel Chafalano, Master.

SIR,

Mahon, 29th December, 1766.

THE Governor here is very sorry there should be any cause of Complaint*; but the Gentlemen concerned, on whose account two Letters were written and carried by Patron George Tudury and Patron Juan Netto to Algiers, directed to Mr. Sampson; these Gentlemen, Sir, would gladly know from you, why the first cargo of corn was obtained for George Tudury, but the other refused to Juan Netto; as both cargoes were equally destined for the use of the *Inhabitants* of this Island,

pendix, page 53. However, this is not the first instance of persons arrogating to themselves authorities that never belonged to them, more especially, when calculated to answer wicked purposes. But, perhaps, the Reader may think the use made of this assumption somewhat singular, when he is told, that Consul Kirke had hardly stepped his foot out of Algiers, before the public seal of his office was solemnly prostituted to sanctify the perjury of an insidious and disappointed villain, "*Quis talia fando temperet?*" The protest was taken on the 17th June, 1767, on which day Consul Kirke embarked; and though Netto had been in Algiers so many Months before that time, and might, had there been the least shadow of a reason, have made his protest before the French, Danish, Swedish, Dutch or any other Consul residing in Algiers, and caused a copy to have been delivered to Consul Kirke, the better to enable him to answer it, as customary in cases of protest, and though Mr. Sampson was in Algiers 60 days with Consul Kirke, and officiated in the office from the 10th May, 1767, the day Consul Kirke delivered up the office in obedience to his Grace of Richmond's Letter, till the 17th of said May, the day he embarked, and the day the protest was taken by Mr. Sampson, yet the above proceedings were judged necessary secretly to be carried on, the more, if possible, to embarrass Mr. Kirke on his arrival in England; as the above memorable Protest, with the Extract of Lieut. Governor Johnston's Letter of Complaint which accompanied it (though not sanctified with his great Seal at the corner) was not delivered to Mr. Kirke till after his arrival, viz. by the Office Keeper at the Secretary of State's Office, on the 13th day of November, 1767, which was the first notice Mr. Kirke ever had, that such a piece of machination had been formed against him. Notwithstanding which, he flatters himself he has fully and effectually confuted the whole by his answer thereto, dated 30th December 1767, and directed to Lord Shelburne, which immediately follows the above protest, &c.

* The Lieut. Governor must have strangely forgot himself, or his Secretary been a very false interpreter; otherwise, with what face could he send home Netto's Protest, inclosed in his own Letter of Complaint against Consul Kirke to the Secretary of State, if the above relation was a matter of fact?

and the last as much wanted as the first. The Governor desires you would send him one hundred quartera's of barley for his mules†, by the first opportunity.

I am, SIR, with great Regard,

Your most obedient humble servant,

To Robert Kirke, Esq;

EDWARD CLARKE.

(U)

Mr. Kirke, late Consul at Algiers, to the Earl of Shelburne, Secretary of State, in Answer to Lieut. Governor Johnston's Extract of Letter of Complaint against him, of the 29th June, 1767.

MY LORD, Castle Yard, Holborn, 30th December, 1767.

HAVING received, on the 13th of last month, from your Lordship's office, an extract of Lieut. Governor Johnston's letter, dated the 29th June, 1767, to your Lordship, which mentions a dispatch by him received a few days before from Mr. Sampson at Algiers, whereby he says, " he finds from Commodore Spry, and some officers with him, " that by intrigues and presents I had contrived to prepossess the Dey of " Algiers and his Ministers so much in my favour, that Mr. Spry met " with infinite difficulty in prevailing upon the Dey to allow Mr. Sampson to act till the arrival of Mr. Frazer."

I humbly beg leave to answer, that the charge " of my contriving by " intrigues and presents to prepossess the Dey and his Ministers in my " favour," is only the assertion of a fact existing in imagination, and that the inference drawn from it, " of Commodore Spry's thereby meeting with infinite difficulty in prevailing on the Dey to allow Mr. " Sampson to act till the arrival of Mr. Frazer," is, altogether, mis-

† Consul Kirke immediately complied with this *very polite* request; but HIS EXCELLENCY has not as yet found it convenient to pay Mr. Kirke for the same, and he fears the Mules are dead INSOLVENT.

represented.

represented. The fact being, That Commodore Spry introduced Mr. Sampson to the Dey, not as a person to act during my absence, but as *full Consul*, on which the usual salute was demanded, and given accordingly. Soon after which, the customary presents were demanded. This occasioned the difficulties suggested to have arisen; whereupon, the Commodore then assured the Dey, that if Mr. Frazer, who was fixed on by his Britannic Majesty to reside as his Consul in Algiers, did not arrive in three months, he (Mr. Sampson) should make the presents usual on the arrival of a new Consul.

Lieut. Governor Johnston proceeds in the next place to observe to your Lordship, he believes it past a doubt, that from private views and piques, I have greatly prevented the Island of Minorca from receiving the supplies so necessary for the subsistence both of his Majesty's troops and subjects in it. In answer to which, I flatter myself, I may, without vanity, assert, that I always exerted my most strenuous endeavours to procure Grain, not only for the troops, but also for the inhabitants of Minorca; and that in consequence thereof, many loadings were obtained for their respective uses, as will manifestly appear, not only by the copy of the Clearance Book kept by me in the Cancellaria of my Office (in pursuance of a letter I received from the Right Hon. the Earl of Halifax, of the 18th January, 1765, signifying his Majesty's commands to that effect) and the letters that passed on that subject between myself and the Lieut. Governor, but also by the letters from the Magistrates of Mahon, and their several grateful acknowledgments under their public seal to me thereon. And if my information be right, *more Grain* was freely obtained *in my Consulship*, not only for the use of the Island of Minorca in general, but Gibraltar also, than was permitted to be exported from Algiers within the space of *six Years preceding*. And that all *Grain* permitted to be exported by the Consuls or Merchants of any other nation whatever, nay even by the Turks themselves, was obtained merely by dint of money and large presents to the leading people.

And as the Lieut. Governor, in the next paragraph of his letter, has thought proper to animadvert on a protest which was presented him by one of the owners of Juan Netto's vessel, and which the Lieut. Governor has also thought proper to mention to your Lordship, as *only one Proof of many* which might be given of what he has advanced, I am not a lit-

tle

He surprized, from the tenor of the Lieut. Governor's letter, that he should *omit any the least Shadow of Complaint*, that he imagined could possibly make against me. Notwithstanding which, as he has been pleased so to do, it still becomes indispensably necessary for me to proceed in my justification, to what he has now thought proper to lay before your Lordship to my discredit; and which I shall endeavour at, by proceeding to give your Lordship a most exact and faithful account of the facts and circumstances relative to the present accusation, in answer to Juan Netto's protest, which is as follows.

That on the 13th October, 1766, Juan Netto, sen. Master of the Brig St. Juan Baptista, anchored in the Mole of Algiers, but never came to the Consulary House as he ought. On the 14th, in the morning, hearing nothing from him, I sent my Drugoman to find him out, with whom he returned about 10 or 11 o'clock; upon my asking Netto, If he had any letters? he answered "No, *except for the Consul*;" to whom I replied "I am the Consul, and that I expected he would deliver the letters to me." To this he answered, with a sneer, "No, you are *not the Consul, Mr. Sampson is Consul*;" to which I replied, "There was no other Consul but myself; and that I insisted on the letters being delivered to me *as usual*." I then asked him for his *Mediterranean Pass*, and *Bill of Health*; upon which he said, *he had left them on Board*; I then told him, he should not go out of my house till I was *assured* of having his letters; not only to cause them to be delivered as customary, but that I might see if any were ON HIS MAJESTY'S SERVICE (looking upon it to be my indispensable duty to open them if they were). But he appearing *determined*, neither to produce his letters or papers, I told him he should not go out of my house till he consented to my having the letters; and then I ordered the door to be shut. On which he went into the square, or area, where he continued smoaking his pipe near an hour; and apprehending, as I suppose, I would not recede from my resolution, he, on my repeatedly urging him, to let me have his Mediterranean Pass, Bill of Health, and also deliver me his letters, and *act as customary*, said, if I would consent to it, he would go and fetch the same. I told him, his behaviour was such, that I neither could trust to him nor his word; and therefore would take my Drugoman and Clerk, and go on board with him; to which he consenting, we went on board accordingly.

accordingly. On going into his cabin, I observed lying on his table a number of letters directed for several of the Consuls and other persons in Algiers, he, at the same time, turning to his chest, took out a letter directed "To James Sampson, Esq; Consul at Algiers." I then asked him why he had been so obstinate, and told him, as the letter directed to Mr. Sampson did not appear to be ON HIS MAJESTY'S SERVICE, he might do with it what he pleased; at the same time bidding him come on shore, and enter his vessel as he ought to have done, and deliver the other letters to my Drugoman (which he did) to be by him distributed in the *customary manner*; again observing, with regard to Mr. Sampson's letter, that as it was not directed ON HIS MAJESTY'S SERVICE he might leave it at my house for that gentleman, or keep it himself, which ever he chose. He then said it was necessary he should keep it, as his orders from his employers were to OPEN IT HIMSELF in case Consul Sampson did not arrive at Algiers in three days. I then returned on shore with my Clerk and Drugoman, who delivered the other letters as usual.

On the 16th, anchored in the Mole, the Pink Virgin del Buen Camino, George Tudury, Master, who brought with him a letter to me from the Jurats of Mahon, accompanied with another from Lieut. Governor Johnston to the Dey, requesting *Corn* for the use of the Troops and inhabitants of that Island.

On the 17th, at two o'clock in the afternoon, I attended the Dey, to have the Governor and Magistrates letters explained to his Highness, taking the Master, George Tudury, with me; but before the explanation of the letters was quite finished, Juan Netto came into the square or court yard of the Dey's house, and the Dey, seeing him from a bow window he usually sits in, asked his Drugoman who that person was? on which, I look'd, and answered, it was the Master of the English Vessel that anchored in the Mole two or three days before; his Highness then ordered him up, and asking him what he wanted, Juan Netto fell on both his knees, and put the before mentioned letter directed to James Sampson, Esq; into his Highness's hands, saying, he was *directed so to do*: whereupon the Dey gave it to my Interpreter, who, on receiving it, asked his Highness what he pleased should be done with it: his Highness answered, OPEN, AND READ IT, which he did accordingly; and afterwards

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afterwards one inclosed therein from Lieut. Governor Johnston for the Dey, which was wrote in Spanish: The Interpreter then returned both the letters to the Dey, who desired, that that directed to Mr. Sampson might be delivered him on his arrival; and the letter from the Lieut. Governor his Highness gave me, desiring it might be shewn to the Secretary of State (on my return to England) when, agreeable to his Highness's repeated request, I should set forth to the King my Master, the manner in which the several applications came to him, in regard to the solicitations for the obtaining cargoes of *Grain* from his coast. The Dey then asked me, if either "of the two Captains came upon *his good Friend the King of England's Service?*" I told him I was not quite clear in the matter, but would inform myself as soon as I could; that Tudury came there with credential letters from the Magistrates of Mahon, addressed to me, accompany'd with a strong one of Lieut. Governor Johnston to his Highness, setting forth, that the corn requested for Tudury was for the necessary subsistence of the *Troops* and inhabitants; and that his Highness might observe, that Netto had only a letter from the Lieut. Governor to Mr. Sampson in favour of Dr. John Olivar, if a Tiscary could be obtained, inclosing one to his Highness, the contents of which, I presumed, he was a sufficient judge of, but that I wished *they might both* be permitted to load. The Dey then observed, there was at that time a *Scarcity of Grain*, and that he was so constantly teased about *Corn*, that he could not tell what to say to it; and again desiring to know which was most for the public service, I replied, I apprehended Tudury was, as he had brought very strong letters, not only from the Lieut. Governor, but the Magistrates also, requesting corn for the necessary subsistence of the *Troops* and Inhabitants; and that I had enquired, and been informed, before my attendance on his Highness thereon; that the Magistrates *provided several Necessaries* for the use of the King my Master's *Troops* in Garrison at Mahon: upon which his Highness, then said, that as Mr. Sampson was so shortly expected, he (the Dey) would consider of it. I then took my leave of his Highness, and went home; but Mr. Sampson not arriving as expected, Tudury frequently importuned me, again to solicit the Dey for a Tiscary, or License, for the cargo requested by the Governor and Magistrates letters; I afterwards waited on the Dey for that purpose, who
again

again said, " he would consider of it ;" and that Mr. Sampson was not yet arrived. But on the 30th, the Dey sent to my house his Tiscary, or License, for Tudury's loading 3000 measures of *Corn* at Arzew, which Tiscary I immediately delivered to Tudury, in pursuance whereof, on 1st November, he sailed for Arzew to take in the said loading. Some time after which, Netto applied to me, to solicit the Dey in his favour, when I told him, that as I had found great difficulty in procuring a cargo for Tudury, notwithstanding the particular letters he brought with him, and was myself so shortly to leave Algiers, he might, if he thought proper, wait for the arrival of Mr. Sampson ; as I did not think it prudent for me, more particularly after what had passed in the presence of his Highness when he was called up before him, to press his Highness further on that subject : though I frequently afterwards told his Ministers, that I could wish all English vessels might be allowed to load on their coast, as it would bring much money into their country. Here the matter rested, till the arrival of Commodore Spry with Mr. Sampson, which was on the 19th April, 1767. Soon after which, as I was informed, the Commodore applied for two cargoes of *Grain*, the one for the use of the *Seamen under his Command*, and the other for the *Troops in Garrison at Mahon*, which were both granted. In a few days after, the Commodore, on the application of Netto, wrote a letter to the Dey, requesting he might be permitted to load on his coast, to which, as I was told, the Dey answered, he could by no means grant him such permission ; and had he not already granted the two Tiscaries before mentioned to the Commodore, that even *the Commodore himself* should not have had them. On this, Netto, after waiting from 13th October, 1766, to the 19th April following, being the time of Commodore Spry's arrival, as before set forth, and from that time to the 17th June, being the very day on which I sailed for England (and finding himself disappointed) he, on that 17th June, and not before, though the Commodore and Mr. Sampson had been on the spot upwards of 60 days, thought proper to make his unwarrantable protest against me, of which, neither Mr. Sampson, nor Netto, gave me the least intimation whatever, to enable me to answer the same *before my departure from Algiers*, in direct opposition, as I humbly apprehend, to what is required by the general custom in all cases of protest. But, on the contrary, it appears, that Mr. Sampson gave it to Netto, who trans-

mitted

mitted it to his owners at Mahon, one of whom delivered it to Lieut. Governor Johnston, who has judged it of sufficient consequence to send home to the Secretary of State, in order, as I can conceive, only to heap fuel on the fire so unjustly kindled against me by Commodore Harrison.

And thus, my Lord, having given your Lordship a true and particular account of the facts and circumstances relative to this unexpected Protest of Juan Netto, as they really fell out, I beg your Lordship's leave, to make some few remarks and reflexions thereon. And first, that my detaining Juan Netto in my house at Algiers for about an hour was only to induce him to enter his vessel at the Consulary Office as usual; and for my obtaining a sight of the letters he told me he had brought with him for the Consul, lest any of them should have been on his Majesty's service, as I had great reason to be in daily expectation of hearing from your Lordship's Office, and, at the same time apprehending it my particular and indispensable duty, to carry on his Majesty's service with punctuality and dispatch till the arrival of a successor.

Juan Netto's charges of my having taken out of his hands, both the Dey's and Mr. Sampson's letters, and proceeding after reading them to his Highness to make the remarks he pretends in his Protest to be made by me thereon, in order, as he suggests, to prevent his getting a cargo of *Corn for his Majesty's Troops at Minorca*, or my obstructing him in any wise therein, from any prejudice conceived against him on account of Mr. Alexiano his passenger, or from any other motive whatever (or my acting in this affair otherwise than as my narrative explains) is utterly false; as will more clearly appear, when I acquaint your Lordship, that the Lieut. Governor's letter now in my possession is wrote in Spanish, a language I am an entire stranger to, and therefore carries its own confutation with it.

And I cannot avoid observing to your Lordship, that Juan Netto's making his Protest against me (which I humbly apprehend, on due examination, will appear he had not any right to do) on the very day that I embarked on my return to England, and not before (although he had such a length of time, as upwards of 60 days, to do it in, as before set forth) and thereby depriving me of an opportunity, not only of furnishing myself with vouchers, but also of producing witnesses on the spot necessary

cessary for my defence, imports such an evil design, as the eye of discerning justice can never be pleased with.

And having now, my Lord, gone through my remarks on the unwarrantable behaviour of Juan Netto, with respect to his Protest against me, I humbly beg leave to take notice of the circumstance of the Lieutenant Governor's Seal of Office (a mark of distinction never made use of before) being affixed to the letter wrote by him to the Dey, and inclosed in that directed to Mr. Sampson in favour of Dr. John Olivar; and the omission of that mark of distinction on the letter sent by Tudury, and which accompanied that of the Magistrates of Mahon on so pressing an exigence, as that of the public service set forth in that letter.

And as Lieut. Governor Johnston has thought fit to mention the Protest of Juan Netto (which I hope I have fully answered) as only one proof of many which might be given of what he (the Lieut. Governor) has advanced in his letter, I humbly beg leave to observe, that this remark of the Lieut. Governor carries, I presume, so manifest a design to prejudice your Lordship against me, that I flatter myself it will serve effectually to defeat so ill-natured a purpose; my conscience, at the same time assuring me, that I shall be able to make an ample defence against any accusation the Lieut. Governor can possibly exhibit against me.

I have the honour to be,

My Lord,

Your Lordship's most obedient, and

devoted humble servant,

Right Hon. the Earl of Shelburne.

ROBERT KIRKE.

(W)

British Chancery Office,	} Register of Mr. Theodore Alexiano,	
Algiers, 29th Octo-		} Captain of the Port of Mahon's
ber, 1766.		
		manner.

THIS day, at dinner, the Consul was told that Mr. Theodore Alexiano, the Captain of the Port of Mahon, who came to this place the 13th instant, with Juan Netto, Master of the Brig San Juan Baptista,

was

was gone away on board a Genoese Prize, Pollacca, purchased of this State by Michael Chefallano and Zefirus Papallany, who obtained the Consul's certificate (upon producing to him a paper, signed by Lieut. Governor Johnston, of Mahon, setting forth that they were inhabitants of Minorca, and subjects to his Britannic Majesty) in order to take the said Pollacca to that Port, that both Chefallano and Papallany, who were to conduct the said vessel there, well knew they could not, and had been frequently forbidden by the Consul, the carrying either goods or passengers till they had obtained a proper Mediterranean Pass; they likewise knew the Consul had just refused the very Dey himself sending two Slaves (that had been his servants, but were afterwards freed) on board a vessel, purchased in like manner, on the 14th August, 1766, by Mr. Jeremiah Timone (brother in law to the Venetian Consul) notwithstanding the Dey sent several messages to Consul Kirke to admit the same; and on refusal, the Dey was extremely dissatisfied, till he was thoroughly convinced by Consul Kirke it was out of his power to permit it; nay, said Chefallano and Papallany, both of them came to the Consul, with John Gregory, Master of the Pink, Hope, then in Port, to ask the Consul's permission to receive on board their said Pollacca, for Mahon, two chests of looking glasses, brought by said Gregory, from Leghorn, which were, as he affirmed, destined for Mahon; when the Consul assured them, that it was absolutely impossible for them to take either goods or passengers, as every thing tending to the granting a Passavant was set aside by his Britannic Majesty in Council, and as they had not as yet obtained their proper pass, it was impossible for them to carry either goods or passengers, the Consul's certificate only empowering them to take said vessel and crew to navigate her in Ballast to Mahon. Therefore, the Consul, justly vexed with the proceedings of said Master, and more so with said Alexiano, who, being a King's Officer himself, should have been the last man to have slunk away in such an indecent manner, without apprizing the Consul, and taking the usual passport; a thing so very essential for all his Britannic Majesty's subjects going from Algiers, or any other Barbary State, on account of the *Plague*. The Consul therefore immediately went to the Dey's house, and, notwithstanding its being the Azar, or afternoon prayer time, when the Dey is not accustomed to give audience, yet the Consul was determined

mined to speak to the Dey himself, more especially, as he (the Consul) had, a few days before, refused the Dey's sending the two slaves above mentioned * ; and upon meeting the Dey's Drugoman, he asked the Consul, seeing him in some commotion, what was the matter, and being informed by the Consul's Drugoman of what had happened, he appeared to take the Captain of the Port's part, saying, that there was no occasion to be vexed, as Mr. Alexiano was gone, and no remedy for it; but the Consul replied, he would speak to the Dey upon it; the Dey's Drugoman then replied, it was not a proper hour, and that it was better to come the next day; but the Consul, not minding what he said, as soon as prayers were over, spoke to the Hasnadar†, telling him he desired to speak to the Dey; the Hasnadar then replied, that it was an improper time; but the Consul insisting on an audience, the Hasnadar went to the Dey, when the Dey's Drugoman followed, and whilst the Consul was waiting, the Dey's Drugoman came down, and told the Consul, in the Dey's name, that as Alexiano had gone away in such a clandestine manner, he (the Consul) might write against him to the King of England, in order that he might be punished according to his deserts; to which the Consul answered, that he desired to speak to the Dey *on his Britannic Majesty's Service*, and wanted to know whether audience would be granted to him or not; the Drugoman answered, that the Dey was then busy, and could not be spoke to, at this time; the Hasnadar returned, and gave much the same answer as the Dey's Drugoman had; the Consul then replied, that he would not leave the Dey's house without speaking to the Dey himself, with whom he desired an immediate audience upon *HIS BRITANNIC MAJESTY'S SERVICE*; the Consul then said to his Drugoman, I order you, as my Drugoman, to go to the Dey, and procure me an audience, requesting, at the same time, the Hasnadar to assist him; upon which, they went up to the Dey again, and soon after returned, desiring the Consul to walk up; the Consul then went up, accompanied by his

* Surely a most certain sign of Consul Kirke's being so greatly in the Interest of the Algerines against his own Country, ingeniously spun out of Commodore Harrison's Imagination, and so judiciously insinuated by Lieut. Governor Johnston; but what will not self-interest, or private pique, prompt disappointed men to do?

† An Officer in Algiers similar to the Lord Great Chamberlain in England.

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Drugoman, Raphaello Benedetto † and Anthony Pittaluge his Interpreters; and when they were in the apartment next to the Dey's room, the Consul turned to his Interpreters desiring them to mind what he said, and not to err in any particular; they then went into the Dey's presence, when the Consul, after the usual compliments, addressed himself as follows, viz.

“ Effendy, I have but one life, and that I am ready to sacrifice in the
 “ service of my Country, the observance of its Laws, and the exact per-
 “ formance of the Treaty with Algiers, and beg leave to assure your
 “ Highness, that I was much concerned to have been under the dis-
 “ agreeable necessity of refusing even you yourself a passage for two per-
 “ sons, who had been your own slaves, on board a prize lately pur-
 “ chased of this State by Mr. Jeremiah Timone, which I should by no
 “ means have done, had not the late Dey made a formal complaint
 “ against the granting *Passavants*, which had proved so detrimental to
 “ the Algerines, and was the chief cause of the King my Master's so
 “ speedily issuing the new Passes; and I was therefore the more con-
 “ cerned to find (which I had been just informed of) that Mr. Theo-
 “ dore Alexiano, the Captain of the Port of Mahon, had clandestinely
 “ slipped away from Algiers without my knowledge, or even taking the
 “ usual and necessary Pass, and in a vessel not intitled in any shape to
 “ carry either goods or passengers.” The Dey then said, that if the Consul
 had applied to him in time, he certainly should have given the necessary
 directions to prevent any thing of the kind happening; but as he was
 gone, and the vessel so far out, with a fresh wind, it was too late; and
 there was no remedy; but desired the Consul to complain to his King;
 the Consul then said, He thought it incumbent on him personally to assure
 the Dey himself, that he knew nothing of his departure, and the more
 especially, as he had so lately refused the self same thing to his High-
 ness, which he (the Dey) at first took ill, till the Consul had explained
 his reasons, why the prize vessels could not take either goods or passen-
 gers, before they had obtained their proper Mediterranean Passes; and
 as he was but a single man in Algiers, he could do no more at present,

† Now in England.

but have patience, and represent the matter home, which he most certainly would*.

British Chancery Office, } Register of Declaration of James
Algiers, 12th January, 1767. } Vives, Master of the Snow, Providence, relative to Mr. Theodore Alexiano, being admitted to *Pratic* at Mahon, without the usual and customary *Bill of Health*.

JAMES VIVES, Master of the Snow, Providence, of Port Mahon, declares, That he was in the *Pratic* House at Mahon, when Mr. Theodore Alexiano came in, and that he declared to the Magistrates of Health, that he came from Algiers without a *Bill of Health*; that there was a great number of people in the house, and that it was publickly said, Mr. Alexiano had no *Bill of Health*, because he had quarrel'd with the Consul, and was therefore obliged to run away from Algiers. That Mr. Theodore Alexiano likewise assured the people at Mahon, that nobody would be permitted to load at Algiers, before Commodore Spry and the new Consul arrived there. Given under my hand, in the City of Algiers, the 12th day of January, 1767.

(Signed) JAMES VIVES.

British Chancery Office, } Register of Consul Kirke's Let-
Algiers, 13th January, 1767. } ter to the Magistrates of Health at Mahon, relative to Mr. Theodore Alexiano's slipping away from Algiers in a clandestine manner.

GENTLEMEN,

Algiers, 13th January, 1767.

Mr. THEODORE ALEXIANO, the Captain of the Port at Mahon, having slipt away from hence in a clandestine manner, on board a prize vessel, purchased here by Michael Chefallano and Zefirus Papallany, without taking the usual and accustom'd Passport, a thing so very essential in regard to the preventing the Spreading of the Plague, set

* All which Mr. Kirke has been deprived of doing, having been so suddenly and unexpectedly recalled, and afterwards deprived of a Public Hearing, repugnant to the Laws of Britain, the Constitution of a Free People, and his Grace of Richmond's Letter for that very Purpose, set aside the Destruction of himself, and Family wholly dependent on his Labours alone.

aside

afide the breach of the King's orders in council, relative to the granting Passavants, broke through by said Chefallano and Papallany, in this unjustifiable proceeding; by taking said Alexiano on board their vessel, as they well knew, and had been frequently cautioned by me against receiving on board either Goods or Passengers on any pretence whatever, till they had obtained their proper Mediterranean Pass, yet they did so; and the said Alexiano was, as is vouched to me here, *immediately on his Arrival at Mahon, admitted to Pratic*; I therefore write this, before I lay the whole of the transaction and violation of the most essential laws relative to the *Plague*, &c. before the Secretary of State, for the King's information, to request of you a particular account of this matter, so far as came within your knowledge, and that you would be pleased to inform me, by the first opportunity, *why*, and on *what Pretence*, said Alexiano was *admitted to Pratic*, without producing the necessary and usual Passport. I am, with great regard,

Gentlemen,

Your most obedient and most humble servant,

ROBERT KIRKE.

To the Magistrates of Health at Mahon.

15th January, 1767, per Pollacca,

Sta. Catherina, Michael Chefallano,

Master.

R. K.

British Chancery Office, } Register of the Jurats of Mahon's
Algiers, 1st March, 1767. } Letter to Consul Kirke, in answer to the Consul's Letter of the 13th January, 1767, relative to Mr. Alexiano, and requesting more Corn, received this day by the Pollacca Virgin del Rosario, John Netto, Junior, Commander.

Most Illustrious SIR,

IN compliance of our office, and of the *great Obligations* that *all our Island* is under to you*, our people in particular (as you may have

* Lieut. Governor Johnston, who was so VERY INDULGENT to Consul Kirke, as to send home Netto (Senior)'s Protest against him, back'd by his own Remonstrance, must certainly be look'd on by the Magistrates as a Cypher, though actually Commander in Chief of the Place at that time.

seen by the letters sent to you by our Envoy Patron George Tudury, that we have reason to believe is again arrived at Algiers) we answer your favour of the 13th past, saying, that we were surprized at the sight of what your *Lordship* † sets forth to us, relative to our Captain of the Port (or pratic Master) Theodore Alexiano, because we never could have thought, that he could have been guilty of such a fault, and the more so, as he was the identical person, that should have known his exact obligation, and duty, and upon whom the Government and Magistrates intirely rely for the vigilancy and observation of the established statutes and laws, relative to the preservation and carefulness of the public health. Certain it is, that both Captain Chefallano and said Alexiano took great care not to manifest to us any thing concerning what your *Lordship* wrote to us; and we, considering that said Chefallano had performed his due quarantine‡, and that his bill of health was very clean, without reflecting on Alexiano's fault, admitted said vessel to Pratic, and consequently all the people on board her, thinking, that said Alexiano was included in the number expressed in said bill of health||.

Most illustrious Sir, we are constrained to manifest to your *Lordship*, the miserable state in which we find ourselves in matters of *Corn**. All the cargo brought to us by Tudury is consumed, and we were obliged to buy a small parcel of flour that came from Morocco, in order to preserve the lives of our individuals, which will hardly be enough for the subsistence of 15 days, being the only provision that we have, and therefore we most *dearly beg of your Lordship*, to use all possible endeavours, to obtain from the *most excellent Dey* the permission for said Tudury to load with all *possible Expedition*; and if denied, we are apprehensive we shall find ourselves in great misery and distress, desiring you to reflect,

† By this expression one might be led to believe, that the Consul's Integrity had procured him the Appellation of a Peer with the Minorquins, though it afterwards unfortunately proved the occasion of the worst of woes to himself and family, when in Britain, though their native soil.

‡ False; they did not perform their due quarantine, if Consul Kirke's information was true.

|| Equivocal to the last degree, and the greatest untruth imaginable; names and number being always set forth.

* So the whole Island always are, and ever will be, whilst so great an advantage is to be made by obtaining it from the Algerines.

that the distress of our people of Mahon is equivalent to all the Island, because all the several country Towns are supplied by us, and that it shall be a new and invaluable attention, that all our Island shall own to be under to you. (Mahon; the 17th of February, 1767.)

Your most humble Servants,

PETRO XIMENES NOTER;
ANTONIO ORFILA, and for him
HAQUER, Secretary;
BARTHOLEMEW CARREVES,
Jurats of Mahon,

L. S.

(X)

British Chancery Office, } Register of two Letters, received
11th February, 1766. } from Lieut. Robert Deans, Com-
} mandant of his Majesty's Store-Ship,
} Florida, dated 11th and 12th Fe-
} bruary, delivered me, by one of the
} Captain of the Port's Servants, both
} together.

SIR,

Algiers, Monday Evening.

BY the Captain of the Port I have the opportunity to inform you, that the Ship (under my command) is a Store-Ship, belonging to his Britannic Majesty, loaded with Stores for his Majesty's Ships at Antigua, and Jamaica, and was stopped by an Algerine Ship, commanded by Ahmet Benzerzo, Rais, on suspicion of my Commission, which he did not understand, being not a sufficient Passport; I beg you will, for the service of his Britannic Majesty, use all the means you can to get us cleared, as soon as possible.

I am,

Most affectionately, yours, &c.

ROBERT DEANS, Captain.

PS. I am

PS. I am to acquaint you, that the Turkish Soldiers have behaved very well, notwithstanding I should be glad to be clear of them, and to see you on board the Store-Ship.

To Robert Kirke, Esq; at Algiers.

SIR,

I SUPPOSE you have seen what papers I sent on shore by the Captain of the Port, and as they wont allow me to come ashore, I beg by some means or other we may see one another, in order for the clearing his Majesty's Ship, which is my chief concern, and not to go into Port at all.

I am,

Your humble servant,

ROBERT DEANS.

To Robert Kirke, Esq; at Algiers.

Tuesday Morning.

Two Letters, from Consul Kirke to Mr. Secretary Conway, relative to the seizing and discharging his Majesty's Store-Ship, Florida, Lieut. Deans, Commander.

SIR,

Algiers, 12th February, 1766.

AS the French Vessel by whom I send this to Marfeilles will be under way in an hour, I have only time to acquaint you, that on Monday last, Lieut. Robert Deans, commanding his Majesty's Store-Ship, the Florida, was brought in here, by some Turks that had been put on board her, out of one of their Cruisers, who fell in with the Florida off Cape St. Vincent. I immediately waited on the Dey with Lieut. Deans, and represented this affair to him with all its circumstances, who is greatly chagrined at a thing of the kind happening, made every concession in his power, has promised to punish severely the Rais, or Captain of the Cruiser upon his arrival from his cruize, which, I suppose, will be the loss of his head: the Dey is also ready to make any other satisfaction the King of Great Britain may require. Lieut. Deans having, in his passage here, prepared the major part of his narrative, will, I believe, be able to send it away to the Lords of the Admiralty by this opportunity, to which I must beg leave to refer, and shall do myself the honour to write

to you again upon the coming in of the Cruiser, with every particular relative to this matter. I must again assure you of the Dey's real concern and uneasiness at this unfortunate event, and beg leave to conclude, the vessel being under way. I am, with great regard,

SIR,

Your most obedient humble servant,

ROBERT KIRKE.

PS. I shall hope to be honoured with a Letter from you as soon after receipt of this as possible, and shall do every thing in the meantime for the honour of the Crown, and respect to its Colours.

The weather was so bad the Lieutenant could not get on shore till last night, and we are but this instant come from the Dey. R. K.

To the Right Hon. Henry Seymour Conway.

SIR,

Algiers, 13th February, 1766.

SINCE my last, of yesterday's date, by the French vessel that failed the instant I had sealed my letter, relative to the Florida Store-Ship being brought in here, the Dey sent to my house the Packet you'll receive herewith, and desired it might be forwarded to the King of England as soon as possible; but as it was sealed (after their manner) and as the Dey did not communicate the Contents to me, I thought I should have done a very wrong and unjustifiable act to have opened it, to be explained for my information, and afterwards transmitted it with the original to you, Sir; I must therefore request the favour of having the contents communicated to me, in order to form a more certain judgment of their manner of acting†; this I should not have mentioned, I had not always received through the hands of the Secretary of State, a copy of such letters as the King is pleased to honour the Dey with.

In themselves, they appear truly disconcerted with the proceedings of their Rais, or Captain; and as I said yesterday, I believe he will be but roughly handled upon his return into Port; the result of all which shall be faithfully communicated as soon as it comes to the knowledge of

† Consul Kiske then had, and still has the most essential Reasons for having made this Request.

him,

him, who has the honour to subscribe himself, with all imaginable respect,

SIR,

Your most obedient, and most humble servant,

ROBERT KIRKE.

PS. 15th February. Lieut. Deans has done every thing in his power for the furthering of his Majesty's service, and getting dispatched from hence; and, very luckily, the Cruiser who stop'd him is this instant come into Port, and the Surgeon, Men, &c. that were taken out of him were, by the Dey's order*, directly sent on board the Florida, without the least plunder, or loss whatever, nor has the Captain, Ship's Company, or Cargo, received the least loss, or damage, except the detention, and Lieut. Deans' victualling the Turks put on board him. If the weather proves fair, he intends sailing to-morrow; and when I judge him to be intirely out of their reach to give any further trouble, I shall represent the case much stronger to them; but as they are an odd, obstinate, self-willed people, and remembering the circumstance of the Packet Boat, I wish to have the Ship (being valuable) first out of their power, after which I shall not fail making them truly sensible, particularly of the Article confirmed 3d June, 1751, by Commodore Keppel and Mr. Staniford, relative to

* Soon after the above orders were issued, Consul Kirke attended the Dey, and complimented him in the following terms, viz.

"That the Consul waited on his Highness to pay him his respectful Compliments for his late King-like orders relative to Benzerzo's conduct; that he should not fail taking the earliest opportunity of communicating to the Secretary of State, for his Britannic Majesty's information, with how much punctuality his Highness was pleased to observe his treaties; and, that such actions must make him highly revered by all the Powers in friendship with Algiers, and cause his Highness's Name and Memory to live till time should be no more."

saïd

said Packet, &c. being a case in point upon this occasion. The Swedes, I am told, have just renewed their peace.

R. K.

To the Right Hon. Henry Seymour Conway.

Consul Kirke's Letter to Governor Irwin.

SIR,

Algiers, 16th February, 1766.

LIEUT. Robert Deans, commanding his Majesty's Store-Ship, Florida, being unfortunately brought in here by the foolishness and obstinacy of one of their cruisers, belonging to this place, and though the Dey instantly ordered the Ship to be discharged, gave the Commander all the assistance in his power, behaved with all imaginable civility, and assured me he would properly punish the Rais for his bad conduct, yet it has given the Commander of the Florida some trouble, and may probably occasion his stopping at Gibraltar, if so, give me leave to recommend him to your favor and assistance, particularly, in regard to Pratic, as we are in perfect health here at present. For any thing else, as a King's officer, I am persuaded I need say no more to General Irwin, only embrace the opportunity to congratulate him on the safe arrival of himself and family, and to assure him how much I am, with great respect, his

Most obedient and most humble servant,

His Excellency Major General
John Irwin, Gibraltar.

ROBERT KIRKE.

Letter from Mr. John Brathwaite, Secretary to General Irwin,
to Consul Kirke.

SIR,

Gibraltar, 25th February, 1766.

I AM ordered by General Irwin to acquaint you, that he received your letter by Lieut. Deans, for whose detainer, as it was contrary to the Dey's intentions, he makes no doubt sufficient satisfaction will be made to the Commodore on his arrival there*.

His

* Every Satisfaction had already been made, on Consul Kirke's Application, that could possibly have been required had the Secretary of State himself been on the spot, which Consul Kirke had communicated to Governor Irwin, as above set forth. Then, what other "SUFFICIENT SATISFACTION" remained to "BE MADE TO THE COM-MODORE on his arrival?" unless his Excellency meant A CARGO OF CORN, which a vessel was plying off and on to receive—had the Commodore found the Matter unsettled: but,

His Excellency is much surprized to hear of the Death of the late Dey, and the Election of his Successor from several persons here, as you have made no mention of it†. His Excellency desires, that upon the like occasions for the future, you will give him the earliest notice you can, as it is highly proper he should be acquainted with the changes that happen in any of the Barbary States*. I am, SIR,

Your most obedient humble servant,

To Robert Kirke, Esq;

JOHN BRATHWAITE, Secretary.

British Chancery Office, } Register of Consul Kirke's Letter to
Algiers, 21st April, 1766. } Mr. Secretary Conway, relative to
the Breaking of Benzerzo, &c.

SIR,

Algiers, 21st of April, 1766.

I BEG leave to refer to the letter I had the honour of writing you the 13th February last, with a long postscript, of the 15th, which I was, through hurry of the French vessel then getting under way, obliged to add thereto, concerning his Majesty's Store-Ship, Florida's being brought in here by one of these cruisers, mounting 24 guns. I have now the satisfaction to acquaint you, that upon my remonstrating to the Dey thereon, and getting the article of the treaty, concluded by the late Commodore Keppel and Mr. Staniford, in the year 1751, properly explained, that the Dey first gave directions for dismantling Benzerzo's vessel, and afterwards ordered, that he should be publickly broke at the

but, unfortunately for him, the whole had been GLORIOUSLY adjusted long before the Commodore's Arrival; therefore, the Piccaroon skulked away in the night without the wished-for SUFFICIENT AND SATISFACTORY Cargo.

† It is here to be observed, that Consul Kirke always wrote to the Governors, both of Gibraltar and Mahon, *himself*, and not through his *Vice Consul* or *Clerk*, and communicated every early Intelligence in his power, and that in the most respectful manner possible. Notwithstanding, he was generally wrote to, and answered by *their Secretaries*, and in manner he had not been accustomed to; and is therefore humbly of opinion, had he wrote to them by his Vice Consul or Clerk similar letters relative to the Garrisons they commanded, their Correspondence would have been of quite a different Nature to Consul Kirke's.

* Lieut. Deans in the Florida was the first vessel that sailed from Algiers for Gibraltar after the Death of the late Dey, consequently carried the earliest Intelligence; and therefore, unless his Excellency General Irwin could have delegated to Consul Kirke, or his Substitute, the Power St. Peter had to walk on the Waves, he could not have rendered him an earlier account.

Marin

Marine. I must own, I found some few obstacles in bringing this about, chiefly occasioned, as I have since been informed, by Benzerzo's having powerful friends about the Dey, his being chief owner of the cruiser himself; and what is still stronger, his standing indebted at the King's house upwards of 1000*£*. sterling, and no other means whatever, except by the chance of cruising, to discharge that demand.

The Dey has likewise offered any other satisfaction the King of England may require; but as Benzerzo has met many unavoidable and unforeseen misfortunes, and is at present in distressed circumstances, added to his having a large family, wholly dependant on his labours alone, has induced me to let the matter rest here, till I am honoured with your commands upon the head. And should I have erred in this, or in any other of my proceedings, since I have had the honour of residing here as Consul, I hope it will be looked over favourably, the nature and disposition of these people considered.

I am sorry I cannot be so punctual in writing as I could wish, as there is no direct conveyance from hence, and frequent embargo's laid on by this State, which often continue 40 days.

It is with pleasure I take leave to acquaint you, that I stand full as well with the present Dey, and his Ministry, as with the former. I have the honour to subscribe myself, with great respect,

SIR,

Your most obedient and most humble servant,

ROBERT KIRKE.

Right Hon. Henry Seymour Conway.

Letter from Lieut. Robert Deans to Consul Kirke.

DEAR SIR,

Gibraltar, 18th April, 1766.

I HAVE now got my orders to proceed on my voyage; and as the enclosed, I apprehend, is confined to the Mediterranean, which I shall leave the first Levant Wind, I return it with thanks. I sent by the *Centurion* your shirt and cravat, which Ship, when she sailed from here, was to go to Algiers, but I find was forced to make the best of her way to Minorca, yet, by my letters from England, I think Mr. Harrison will pay you a visit. I am, with my best compliments to Mrs. Kirke and Miss Coxeter,

Dear SIR,

Your very humble Servant,

To Robert Kirke, Esq;

ROBERT DEANS.

His Britannic Majesty's Consul at Algiers.

Tran-

Translation of the Dey of Algiers's Orders to his Cruisers, to render every assistance in their power to Lieut. Robert Deans, Commander of his Majesty's Store Ship, Florida, viz.

WITH the help of the Almighty and Powerful God.

To all you that are Raifes of Cruisers belonging to Algiers, Peace, and Health, and the mercy of God be upon you, now and ever, Amen.

The occasion of this, is, to let you know, that the Bearer of this is an English Captain, that was sent here by Rais Benzerzo, thinking him a prize, and after his arrival here, we have restored him, and set him at liberty; and therefore all our cruisers, that shall meet him in his way to Gibraltar, are strictly charged not to meddle with him, nor hinder, or molest him, but to assist him with all that is in their power. Done by Us, Mahomet, Dey and Governor of Algiers, the first of Ramadan, 1179.

MAHOMET,
Dey of Algiers
in the West.

Extract of Consul Kirke's Letter to Governor Irwin of Gibraltar, in answer to his Secretary's†, of the 25th February, 1766.

" SIR,

Algiers, 12th June, 1766.

I received a letter, wrote by Mr. Brathwaite, dated the 25th February last; and had any opportunity offered, except the Æolus's, whose departure I knew nothing of, I should have answered it sooner, by acquainting your Excellency that every satisfaction that my judgment led me to think reasonable to be demanded from this State, relative to the bringing in his Majesty's Store-Ship, Florida, was obtained long before Commodore Harrison's arrival, and that the Rais's vessel, who had committed the rash action, was immediately dismantled, himself publicly broke at the Marine, notwithstanding he has a large family, wholly dependant on his labours alone, besides standing indebted to the King's house 1000*l*. and no other means than cruising to pay that debt."

† The Governors generally wrote (if the expression may be allowed) by their Secretaries, and why? because when any thing appeared UNJUSTIFIABLE, they might lay the Blame ON THEIR SECRETARIES. Like his Excellency Governor Johnston, who condemned HIS SECRETARY as a Bad Man: "EXCELLENT SYSTEM OF POLITICKS!" as observed by Commodore Harrison in his Letter of Complaint against Consul Kirke.

British

(Y)

British Chancery } Register of Consul Kirke's Letter, designed
 Office, Algiers, } to have been sent by the first Vessel for Ma-
 the 21st April, } hon to Commodore Spry, but delivered by
 1767. } the Consul himself to the Commodore on his
 } Arrival.

SIR,

Algiers, 20th April, 1767.

HAVING received a certain account of your safe arrival at Mahon with Mr. Sampson, who, if my information be right, was to act here whilst I returned to England, to answer some complaints made against me by Commodore Harrison, when Commander in Chief in these Seas, but finding by the French gazettes, that Mr. Frazer, late Consul at Tripoly, is appointed full Consul in my stead, it gives me room to apprehend, I shall not have the pleasure of seeing you so soon as I expected; I therefore take leave to congratulate you on this important Command, and your safe arrival at Mahon, and from the knowledge I had of you at Louisbourg upwards of 20 years since, when with the gallant Sir Peter Warren, I am persuaded every good will happen to his Britannic Majesty's subjects under your protection; and as there are many things at Algiers *worthy your particular Attention*, permit me to assure you, that your presence here would afford me the greatest happiness, not only as an individual, but for the general good of his Majesty's Service, and the promotion of Trade and Commerce in this place, that has, I fear, been much neglected for years past: but if you should not chuse to enter on any business, as I am told your health has been much impaired since in these seas, change of air may be useful, and you may be assured, Sir, that myself and family will do all in our power to render Algiers as agreeable as any part of Barbary can be to an English constitution. I am, with a tender of my best services,

SIR,

Your most obedient, and most humble servant,

ROBERT KIRKE.

His Excellency Commodore Spry.

SIR,

SIR,

Algiers, 21st May, 1767.

IN looking over the books belonging to the British Chancery Office at this place, I find a register made by you the 21st of last month, of a letter designed to have been sent me by the first vessel for Mahon, but delivered to me by yourself on my arrival here, wherein you are pleased to say "there are many things at Algiers worthy my particular attention." As you have never mentioned these particulars in any of the conversations I have had with you, since my arrival, I am under the necessity of desiring you will immediately communicate to me, in writing, every information you can possibly give me, that may be of use in the execution of the commission his Majesty has been pleased to honour me with.

I am, SIR,

Your most obedient humble servant,

R. SPRY.

Robert Kirke, Esq; Algiers.

SIR,

Algiers, 21st May, 1767.

HIS Grace the Duke of Richmond, &c. one of his Majesty's principal Secretaries of State, having, by letter of the 28th July last, signified to you his Majesty's pleasure, that you should return to England, by the first convenient opportunity, to answer to a complaint exhibited against you by Thomas Harrison, Esq; late Commander in Chief of his Majesty's Ships in the Mediterranean, I desire you will communicate to me by letter, in order that I may transmit the same to one of his Majesty's principal Secretaries of State, to be laid before the King, your reasons for disobeying his Majesty's commands, when I have made you the following offers of accommodating you and your family with a passage from this place, viz. of carrying you in his Majesty's Ship the Jersey, either to Mahon, or Marseilles; of directing the Hon. Captain Cornwallis to carry you either to Gibraltar, Cadiz, or Lisbon; and hiring a Snow, called the Europa, now lying in this Mole, to proceed with you immediately to England; for which purpose, I ordered the carpenters of his Majesty's ships, Jersey and Guadalupe, to inspect into her, and proposed putting her in a proper condition to undertake

dertake the voyage, of all which you have refused to take the advantage.

I am, SIR,

Your most obedient humble Servant,

R. SPRY.

Robert Kirke, Esq; Algiers.

SIR,

Algiers, 22d May, 1767.

IN answer to your Excellency's letter of yesterday's date, which was delivered me this morning by Captain Dickson's Servant, I beg leave to assure your Excellency, that I did particularly mention the following things to your Excellency on the 20th and 21st of April last, when I had the honour of waiting on your Excellency on board the Jersey, viz.

That the accounts depending between Mr. Leeds Booth, Pratic Master at Gibraltar, and Aly Hogia, a Turk of high rank here, and also those of Mr. Bentaleb, a Moorish Merchant of this place, might be fairly adjusted and settled, and the ballance paid, particularly that which appeared due to Aly Hogia; that the pass granted at Mahon to Michael Cheshallano for the Pollacca, Sta. Catharina, might be taken from him, or such other punishment inflicted, as the nature of the case might deserve, on account of his behaviour when here in September last; that Mr. Alexiano, the Pratic Master of Mahon, who returned here again in the Jersey, might be dealt with as the nature of his behaviour and offence might also require. That the affair relative to the Spanish Zebeque, loaded with oil, &c. taken by the Tunisiens, in company with one of these Cruisers, and afterwards claimed in a letter I received from Mr. Edward Clarke, Secretary to his Excellency Governor Johnston, dated the 24th July last, might be looked into, and settled; the particulars of all which are regularly entered in the Register books, delivered up by me to Mr. Sampson the 10th instant, and which I had the honour to read over to your Excellency on board the Jersey.

It likewise appears to me necessary to mention the following things to your Excellency, viz.

That Mr. Sampson may be directed never to issue any Passports and certificates to Rais Mahomet Benzerzo, late Commander of the Cruiser that brought into this Port his Majesty's Store Ship the Florida, commanded

manded by Lieut. Deans, having myself been several times applied to by these people for that purpose, which I as often absolutely refused, and had I stayed here to the day of my death, I never would have issued, unless I had received his Majesty's commands for that purpose. Your Excellency may likewise see it necessary, to inquire into the particulars of the Portuguese taken out of an English vessel belonging to Pool, called the ship Joseph, Joseph Crew, Master, which were sometime since brought in here by Ibrahim Rais, Commander of a Zebeque Cruiser, of this place, which vessel and Rais returned from Tunis on the 19th April last, the day the Jersey anchored in this Bay.

I must also observe, that few, I may, I believe, venture to affirm, not above two of the several Merchant vessels now in Port under English colours, appear to have a right thereto, or to their passes, being foreign bottoms, not made free, many of the Commanders Foreigners, and few of them navigated according to the act of Parliament and orders relative thereto.

The manner likewise in which the *Governor and Magistrates of Mahon* apply to this State FOR CORN, appears to me also *irregular*; and though I never could obtain any *satisfactory Answer* to my several letters to them on that Head, yet I have exerted my best offices in their behalf, and if my information be right, have obtained *more Grain* for the use, not only of the inhabitants of *that Island*, but *Gibraltar also*, than has been extracted from this country for *twenty Years past*; and if the proper methods could be hit on to put these businesses on a *regular and certain Footing*, much benefit might arise thereby, not only to England, but the Garrison of Gibraltar, and the Island of Minorca in particular. All my correspondence on this point is likewise entered in the Register books delivered up to Mr. Sampson.

Having been without a Clerk, or any other assistance, since Mr. Sampson took on him the charge of this Consulate, I flatter myself your Excellency will excuse this letter being copied by my Sister.

I have the honour to be, with great respect,

SIR,

Your Excellency's most obedient, and

Most humble Servant,

ROBERT KIRKE.

PS. The

PS. The answer to your Excellency's other letter relative to our going home, I hope to be able to send to morrow.

His Excellency Commodore Spry.

SIR,

Algiers, 23d May, 1767.

YOUR Excellency's Letter of the 21st, relative to my going home, was delivered me yesterday forenoon by Captain Dickson's servant, accompanying another of the same date, relative to the public affairs at Algiers, which I immediately answered. This therefore serves in some measure to lay before your Excellency my present distressful State, and the Obstacles that present themselves to the several offers your Excellency is pleased to make me, viz.

As to our going to Mahon or Marseilles in the Jersey, that could, I apprehend, facilitate the getting home *only of myself*, and as you can be no stranger to the *State of Health and Situation* of my wife, who is in the eighth month of her pregnancy, added to my having two young children, a sister, and a large family in this Barbary Country, whom I cannot think of leaving behind me, as Mr. Frazer is appointed FULL CONSUL §, and therefore no likelihood of my returning to Algiers again; and were we carried to Mahon, or Marseilles, the remedy would prove worse than the disease, being already so much hurt in my circumstances, that it puts it out of my power to attempt any new, or additional expence, which must necessarily ensue on our going to either of those places.

The same objection subsists in regard to the Hon. Capt. Cornwallis carrying us either to Gibraltar, Cadiz, or Lisbon, even had I not received a letter from him, in answer to one I did myself the pleasure of writing him on the 24th April last, Copies of which are inclosed*.

You also know, Sir, that upon your arrival, I had two as good houses, the one in town, and the other in the country, as most in these parts,

§ Notwithstanding this was a fact notoriously known, and which his Excellency Mr. Spry had read in the English Gazette at Mahon before his coming to Algiers; yet his Excellency judged it necessary, as before set forth, to introduce Mr. Sampson as full Consul, the more effectually to entangle the destructive Mischief that had been set on foot.

* See Appendix, page 121.

very

very genteely furnished, suitable to the character I had the honour of bearing; that I immediately dismantled that in the country, and directly set about selling (I may more properly say, *giving away*) such things as I could get rid of, here being few, or no buyers, except amongst the Consuls, who were all sufficiently provided in their several situations; I also began packing up my other things as fast as possible, in order to be ready to embark by the first convenient opportunity that might present for England; and as Mr. Sampson judged it imprudent to take my furniture, and Mr. Frazer not being yet arrived, it becomes necessary for me to carry to England such part of my effects as I cannot by any means dispose of here, having no other resource left, being already upwards of *£.3000 out of Pocket* by these *unforeseen* events happening, set aside the loss of my employment, and all this after *25 Years faithful Service*, without reproach, or any the least cause, or reason that I know of, or can as yet see on my part (though Mr. Harrison's Complaint is at length come to hand, which makes it still harder) and I flatter myself it must, in some measure, have appeared thus to your Excellency, on my waiting on you on board the Jersey the 20th and 21st April last, when, conscious of my own innocence and rectitude in every particular, I immediately communicated to your Excellency the state of the case, and read over most of the evidence I had already obtained relative to Mr. Harrison's conduct, and the justification of myself against so *precipitate* and *ill-grounded a Complaint*, which he had thought fit to exhibit against me; and I must here observe, that no time can possibly have been lost on my part, as your Excellency's arrival with Mr. Sampson was only the 19th of last month, when his Grace the Duke of Richmond's Letter, inclosing the copy of Mr. Harrison's accusation-against me, was first put into my hands by Mr. Sampson, ever since which, no man living, circumstanced as I was, and am, could possibly be *more diligent* than I have been to obey my King's Commands in giving up the Office, &c. &c. nay, my all is at stake in regard to getting speedily home, having neither employment here, or money, except by the sale of my effects, to maintain my innocent and numerous family, set aside the light I must appear in to the Public, till the *WHOLE TRUTH* comes out. And you will also please to observe, his Grace, by the King's commands, admits of my collecting such papers and proofs as may be necessary to produce for my justification, and to take the first convenient opportunity afterwards of returning home;

home; therefore, the laying me under fresh difficulties can only serve (if possible) to make us *more miserable*. And as to the Snow, Europa, Simon Bava, Master, your Excellency must be sensible she has no cabbins, or other places, for the reception of my wife, children, sister, and woman servant; that the vessel is in very bad condition, no surgeon, or assistance on board, in case of sickness, or any other accident happening, or any one person that can speak English, or even Spanish, being *all Foreigners to a Man*, and but one of those, as I am told, has ever been to England, nor does he know the least tittle of the Coast, being intirely ignorant of the art of navigation*; and that the Port is, and has been shut for some time past by an embargo, and no certain time fixed for its opening. Upon the whole, Sir, it is needless to take up any more of your Excellency's time on so disagreeable and melancholy a subject, the particulars of which, you, as a Man of Sense and *Humanity*, must see very clearly through; therefore I shall only add, that I am both ready and willing, nay, it is a thing I by all means wish, when it can be effected with any the least degree of *Propriety* and *Safety*, once more to return to my native Country, where, under the Auspices of our most gracious Sovereign, Justice reigns in the meridian of its glory, and all Oppression and Arbitrary Power lie trembling under his footstool.

If it is possible for myself, family, and baggage to go home in a King's ship, I will be ready to embark with all speed, only allowing me eight, or ten days at farthest, to finish the collecting my proofs, settling my accounts, packing up my things, &c. If that cannot be done, then, in the same time with Bava, if he can be assisted *with three or four good Seamen*, and put in a *proper State* to receive us, and the Embargo taken off, even for him only, notwithstanding, I most certainly *risque the Lives of two*, namely, my wife and the child within her†; and I must here

* One Proof of which was, that the vessel had nearly been lost at the Back of Gibraltar Hill, by the ignorance and obstinacy of Bava, who commanded her, which had it happened in all probability every soul on board would have perished.

† Mrs. Kirke was delivered of a Daughter in Gibraltar Bay, a few days after the vessel anchored there; and had it not been for the *HUMANITY* and *ATTENTION* paid to her most distressful situation by the Chief Engineer, Capt. Archer, and his Lady, in all probability both Lives must have been lost: but it has pleased God to preserve them as melancholy Monuments of accumulated Oppression.

acquaint your Excellency, that I have many papers and accounts which I conceive are of *much Consequence* for his Majesty's information, in regard to the Transactions in this Part of Barbary, where, or in any other Country in the known World, may no human Being meet with that *Severity* and *Distress*! which has so unfortunately and *so undeservedly* fell to the Lot of him, who is, with the greatest respect,

SIR,

Your Excellency's most obedient, and most humble servant,

ROBERT KIRKE.

P. S. If your Excellency will be pleased calmly to take a review of my past and present sufferings, so undeservedly inflicted on me, as far only as must have already come to your knowledge, I cannot hesitate a moment in being assured, that your Excellency's actions will be equal to that high trust, power, and distinguished character you are at present invested with: Lastly, in case one of his Majesty's Ships cannot be spared to go home, and that Bava cannot be permitted to sail; I shall then hold myself in readiness to embark with my family so soon after my wife is delivered as she can, with any degree of safety, be put on board, either in the first King's ship that should chance to return to England; by Bava, if in Port; or by any other opportunity that first presents; and shall in the mean time write to Marseilles and Leghorn on this head for assistance; and I very truly wish, that your Excellency would obtain leave for Bava's sailing forthwith, and in that case, your Excellency would be pleased immediately to order caulkers and carpenters on board her, to put her in a fit and convenient condition, and also be so good to assist us with such *additional Hands* as

will

will be *absolutely necessary* for our *Preservation*
and *Safety* †.

R. K.

His Excellency Commodore Spry.

COPIES of the Letters referred to in page 117.

Algiers, 24th April, 1767.

CONSUL KIRKE presents his compliments to the Hon. Captain Cornwallis, is extremely sorry he had not the honour of his company to dinner yesterday, but hopes for that favour this day, to-morrow, or any other day, and as often as he chuses during his stay in this country; and that he would be pleased to bring with him such gentlemen belonging to the ship as may be agreeable to him.

The Hon. William Cornwallis, Captain
of his Majesty's Ship Guadalupe,
Algiers Bay.

CAPTAIN CORNWALLIS presents his compliments to Mr. Kirke, is extremely obliged to him for his very polite note, but (having no public business to transact) and having heard many things reflecting on Mr. Kirke's conduct since he has been in the Mediterranean, Captain Cornwallis begs leave to defer the pleasure of making an acquaintance with Mr. Kirke at present, till he has had an opportunity of clearing those matters up; after which, Captain Cornwallis will, *upon all occasions*, have great pleasure in paying his respects to Mr. Kirke*.

Guadalupe, 25th April, 1767.

† Not a hand was spared, and why? because for reasons best known to His Excellency, he wished the Consul and his whole Family might be no more heard of.

* Captain Cornwallis acted an honest part at least. But this note plainly shews the reason of that rancour that marked the conduct of *Commodore Spry*: Mr. Harrison was a Captain of a Man of War, and the infection ran through the Corps. Whoever has served any time in the Navy, will have no difficulty to comprehend this part of the business fully. But as Mr. Kirke ever held the Cornwallis's in the highest Estimation, in point of *HONOUR* and *TRUTH*, he cannot help flattering himself (having never as yet been allowed any opportunity to set this unfortunate and mistaken affair in a clear light by any other means than this Sketch of his Case) he shall shortly have the pleasure of seeing Captain Cornwallis (if alive) at No. 31, Castle Yard, Holborn, in acknowledgment of the "po-
lite note," as he was pleased to term it, which he received when in Algiers; being not only agreeable to Captain Cornwallis's promise, but his own very polite answer in return.

WHEN

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WHEN a worthy and upright Judge, who had always shewn the most sacred regard to the Laws of his Country, had been grossly and publicly reflected on, it became a National Affair; and therefore the following remarkable Case of the Court Martial held on Board His Majesty's Ship, Prince of Orange, at Deptford, on Friday the 16th May, 1746, for the trial of Mr. Lestock, and others, was given to the public, and was as follows, viz.

Lieut. Frye, of his Majesty's Navy, in February, 1745-6, recovered 1000£. damages against Sir Chaloner Ogle, in a suit at law, for a Sentence passed against him by a Court Martial held in the West Indies, whereof Sir Chaloner was President; and it being the opinion of the Court on the said trial at law, That Mr. Frye had a right to bring his Action against any Member that composed said Court Martial, he therefore in consequence thereof, very justly caused a Writ to issue from the Court of Common Pleas against Rear Admiral Mayne, who was then President of the Court Martial sitting for the Trial of Mr. Lestock, &c. Mr. Mayne having been a Member of the former Court Martial held on Mr. Frye in the West Indies. Admiral Mayne was thereupon arrested, or served with process at the suit of Mr. Frye. This circumstance brought on the following very extraordinary proceedings of said Court Martial, viz.

Friday, May 16, 1746.

Ship, Prince of Orange, Deptford.

At a Court Martial held this Day by Adjournment,

PRESENT, Perry Mayne, Esq; Rear Admiral of the Blue, and Commander in Chief, &c. President.

The Hon. John Byng, Esq; Rear Admiral of the Blue.

Captains, Rentone, Colby, Laton, Sir Cha. Molloy, Erskine, Catford, Orme, Legg, Frankland, Hamilton, Hamer, Smith Callis, Pitman, Hanway and Spragge.

The

The Court being assembled as usual,

THE President acquainted the Court that he had been yesterday afternoon, after the Court was up, arrested by a writ at the suit of Mr. Frye, for a sentence passed on him at a Court Martial held on him in the West Indies.—Capt. Hamilton, one of the Members of the Court, moved that the writ might be read: the Judge Advocate accordingly read the same, being a writ of Capias, issued out of the Court of Common Pleas, attested May 12 and returnable June 1, against Sir Chaloner Ogle, Perry Mayne, &c. persons who were Members of that Court Martial. Then the Court, on the motion of Capt. Hamilton, came to the following resolutions, viz.

Resolved, That it appears the highest indignity offered to the Court, and through this Court to every other Court of Judicature, that is or may hereafter be formed in this Kingdom; and the highest infraction of the prerogative of the Lord High Admiral, and of the statute law of this Realm, to arrest or serve any writ of Capias upon the President, or any Member of this Court now sitting, or of any other Court Martial; and therefore the Court unanimously resolve to desist farther proceeding on this trial till satisfaction be made for this high insult.

Resolved, That this Court make representation by letter to the Lord High Admiral, of the high infringement made on his prerogative, by arresting the President of this Court, duly assembled, by virtue of his authority; and that the Court do adjourn till Thursday morning 9 o'clock, to give time for every Member to deliberate upon proper methods for obtaining satisfaction for the high insult on their President, from all persons, *how high soever in rank or office*, who have *set on foot* this arrest, or in *any degree promoted or advised* it.

These resolutions being signed by the President, and the several Members of the Court, the President directed it to be enclosed in a letter, and delivered by the Judge Advocate to the Lords of the Admiralty.

Then the Court adjourned till Monday morning 9 o'clock, and from thence to Thursday the 22d.

On

On the 22d, a Letter from Mr. Corbett, Secretary to the Lords Commissioners of the Admiralty, enclosing one from the Duke of Newcastle to their Lordships, was read before the Court, and are as follows :

Mr. Corbett's Letter to the President.

SIR,

HAVING laid the letter of the 16th instant, and also the resolutions of the Court Martial of the same date, brought hither by the Judge Advocate, before the Lords Commissioners of the Admiralty, their Lordships thought the said resolutions to be a matter of such importance that they laid the same before his Majesty. In consequence of which, their Lordships received a letter from his Grace the Duke of Newcastle, principal Secretary of State ; and I am commanded to send you enclosed an attested copy thereof, in order to your laying the same before the Court Martial at your meeting to-morrow. Their Lordships make no doubt but that every gentleman who is Member of the Court, will be greatly satisfied with his Majesty's most gracious expressions contained in the said letter ; and as they are assured of his Majesty's protection, and of having full satisfaction for the late indignity offered them, and that methods will be taken to prevent any thing of the like nature for the future, their Lordships hope they will be unanimous in agreeing to go on immediately in hearing and adjusting the trials that are depending, and to continue so till they are finished.

I am, your's, &c.

Admiralty Office, May 21, 1746.

T. CORBETT.

Duke of Newcastle's Letter.

To my Lords Commissioners of the Admiralty.

I RECEIVED your Lordships letter of the 16th instant, with the papers enclosed relating to the writ served on Rear Admiral Mayne, who presides at the Court Martial at Deptford, for enquiring into the conduct, &c. of Mr. Lestock and others, and the resolutions of the Court thereupon, and have laid them before his Majesty. His Majesty expressed great displeasure at the insult offered to the Court Martial, by which the Military Discipline of the Navy is so much affected, and the King highly disapproves the behaviour of Lieut. Frye on this occasion.

His

His Majesty has it under consideration what steps may be adviseable to be taken on this incident, and in the mean time his Majesty would have your Lordships acquaint the Members of the Court Martial, that they may depend on his Majesty's most *gracious protection*, for procuring them a *sufficient satisfaction* for the late indignity offer'd them, and that proper methods *will be* taken for preventing any thing of the like nature for the future.

I am, &c.

(Received May 22, 1746.)

HOLLES, NEWCASTLE.

The Answer of the Court Martial to the Letter sent by Mr. Corbett, by Order of the Lords of the Admiralty, May 21.

SIR,

WE desire you would be pleased to inform their Lordships, that, having heard their Lordships letter read to us, as well as the authentic copy of the letter to their Lordships from his Majesty's principal Secretary of State the Duke of Newcastle, signifying his Majesty's Royal Assurance of his most gracious Protection, for procuring to us a sufficient satisfaction for the late indignity offered to us, and that proper methods will be taken for preventing any thing of the like nature for the future, according to their Lordships desire, we are unanimously agreed to proceed upon the business of the trials; but think it incumbent upon us to give their Lordships our reasons for the steps we have already taken, submitting them to their Lordship's farther consideration, as this attack appears to us of the most dangerous consequence to the security of the nation, the authority of the Lord High Admiral, the privilege of the honourable House of Commons in Parliament assembled, and the prerogative of the Crown.

First, It appears to us, that Sir John Willes, Knt. Lord Chief Justice of the Court of Common Pleas, having no regard to the honour and safety of his Majesty, the security of the liberties and properties of his subjects, the support of the constitution, or defence of his dominions, in time of actual war with two powerful nations, favoured, aided and abetted by rebellion at home (contrary to his duty and trust, and in violation of the statute laws of the Realm as well as those established by use and custom time immemorial, by which his Majesty's arms by sea have been prudently,

dently, wisely and effectually governed, to the great glory of his Majesty, and protection of his subjects, as well as in open defiance of his Majesty's commands, in consequence of an address from the honourable House of Commons in Parliament assembled) the said Lord Chief Justice Willes did issue his writ, on the 12th day of May, in the 19th year of his present Majesty's Reign, to arrest, seize and secure the persons of Perry Mayne, Esq; and James Rentone, Esq; Members constituent, and Judges of the Court Martial then sitting, by orders of the Lords Commissioners for executing the office of Lord High Admiral of Great Britain, and by virtue of the power to them given by the Stat. of 13. K. Cha. II. the said Judges being duly qualified as the act requires, and did cause the said writ to be served on the said Perry Mayne, Esq; by which craft and subtle device, as far as in him layeth, he did let, respite, and disturb the laws of the land, and, by forcibly taking the Judges, prevent the execution of justice, and elude the commands of his Majesty, grounded upon the address of the honourable House of Commons in Parliament assembled; and though, in a clause subjoined to the said writ, it was artfully added, that the President is served with this process, to the intent that he may, by his Attorney, appear in his Majesty's Court of Common Pleas, it appears to us that this evasion is only provided to the intent that we might possibly, through oversight, proceed in our judicial capacity; and that, by some reserved device, as well our general proceedings, as our final determination and sentence, might be interpreted and declared invalid, void, and none effect, to the entire defeating of this solemn, grand and national enquiry.

Secondly, That the grounds for this writ was an action recommended by the said Lord Chief Justice in open Court, for damages against the said Perry Mayne, Esq; and James Rentone, Esq; for the sentence of a Court Martial legally held, by virtue of the statute laws of this realm at Jamaica, of which Court the said Perry Mayne, Esq; and James Rentone, Esq; were Members, Constituents or Judges, properly qualified as such by the known laws of the realm, as well statutes, as use and custom.

Thirdly, That in consequence of the said breach and violation of the laws of the Kingdom, as well as insult to a supreme Court of Judicature, sitting to determine in the *derniere resort*, which by its constitution, never acknowledged any superior Court, nor any appeal from its sentence, but to his Majesty's prerogative, as far as in him layeth, the whole

whole order, discipline and government of his Majesty's armies by sea is entirely and absolutely dissolved, and the statute of 13. K. Cha. II. made null and void, by which most wicked device the honour of his Majesty is betrayed, the security of his subjects is exposed, and the fundamental laws of the constitution subverted.

Signed by the President and Members.

SOON after which, the following Paper, signed by Admiral Mayne, Admiral Byng, and the several Commanders whose Names are subscribed thereto, was sent by them to the Right Hon. Sir John Willes, Knt. Lord Chief Justice of his Majesty's Court of Common Pleas.

London Gazette, November 15.

As nothing is more becoming a Gentleman than to acknowledge himself to be in the wrong as soon as he is sensible he is so, and to be ready to make Satisfaction to any person he has injured, We therefore whose Names are under-written, being thoroughly convinced, that we were entirely mistaken in the opinion we had conceived of the Lord Chief Justice Willes, think ourselves obliged in Honour as well as Justice, to make him Satisfaction as far as in our power. And as the Injury we did him was of a Public Nature, We do in this Public Manner declare, that we are now satisfied the Reflexions cast upon him in our Resolutions of the 16th and 21st May last, were unjust, unwarrantable, and without any Foundation whatsoever; and do ask Pardon of his Lordship and the Court of Common Pleas for the Indignity offered both to him and the Court.

10th November, 1746.

P. Mayne	C. Molloy
J. Byng	Smith Callis
E. Legg	R. Erskine
Ja. Rentone	J. Pittman
Tho. Frankland	Char. Catford
Cha. Colby	Tho. Hanway
J. Hamilton	E. Spragge
Sheldrake Laton	John Orme
Jos. Hamar	

When this Recantation was presented to the Lord Chief Justice Willes, he spoke to the following effect.

Al-

Although the Injury I have received might have required a private Satisfaction, yet as the Offence was of a public Nature, and offered to the whole Court of Common Pleas, as well as myself, I thought it more consistent with my Character, and the Dignity of the Post I have the Honour to fill, to have Satisfaction in this public Manner; and desire, with the Concurrence of my Brothers, that it may be registered in the Remembrance Office as a Memorial to the present and future Ages, that whoever set themselves above the Law, will in the end find themselves mistaken; for we may with propriety say of the Law, as of Truth, *Magna est Veritas et Prevalebunt.*



F I N I S.